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ACTS AND RESOLVES

PASSED BY THE

LEGISLATURE OF WISCONSIN.

IN THE YEAR

EIGHTEEN HUNDRED AND FIFTY-TWO,

TOGETHER WITH

MEMORIALS TO CONGRESS.

PUBLISHED BY AUTHORITY.

MADISON:
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1852.

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GENERAL AND SPECIAL

STATUTES.

An Act to appropriate money to pay the mileage of the members of the Legislature.

Chap. 1.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Mileage of Senators.

SECTION 1. There is hereby appropriated to be paid out of any money in the State Treasury not otherwise appropriated, on the warrant of the Chief Clerk of the Senate, the sum of three hundred and forty-six dollars and fifty cents: the amount due members of the Senate for their mileage.

Mileage of Assemblymen.

SEC. 2. There is also hereby appropriated to be paid out of any money in the State Treasury not otherwise appropriated, on the warrant of the Chief Clerk of the Assembly, the sum of eleven hundred and fifty-six dollars and twenty cents, being the amount due members of the Assembly for their mileage.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved January 27th, 1852.
LEONARD J. FARWELL.

An Act to authorise an election in the City of Milwaukee, for or against the adoption of a new City Charter.

Chap. 2.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

May hold special election.

SECTION 1. A special election shall be held in the several Wards of the City of Milwaukee at the usual places of holding elections by the Aldermen of each Ward, or under their direction, in the same manner, and conducted and certified in the same way, and under the same penalties as elections are by law holden in said city, for city and ward officers, on Monday, the second day of February next

between the hours of ten in the forenoon, and four in the afternoon; and at such special election, the male inhabitants of each ward of said city who are now qualified to vote for ward and city officers, may vote within their respective wards, a printed or written ticket, "For the Charter," or "Against the Charter"—and the result of such election, in each ward of said city, shall be certified by the said aldermen, or persons holding said election in each ward, or a majority of them, to the Common Council, who shall add up the same, and send a certified copy of the returns of said election to each of the Senators and Representatives of said city, in the Legislature.

Result to be certified.

Sec. 2. This act shall take effect from and after its passage.

J. McM. SHAFTER.
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved January 29th, 1852.
LEONARD J. FARWELL.

Chap. 3.

An Act to authorize the construction of a bridge across Platte River in Grant County.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Authorized to build bridge.

Section 1. Henry L. Meassey, William Hull, and such other persons as are or may be associated with them, are hereby authorized and empowered to build and maintain a bridge across Platte River in the County of Grant at the point where the road leading from Potosi to Galena crosses said river.

May use highway.

Sec. 2. The said Henry L. Meassey and William Hull and their associates shall have power to take and use so much of the public highway leading from Potosi to Galena, as may be necessary for the construction of such bridge; *Provided*, that no unnecessary damage is done thereby to said highway.

Bridge to have a draw.

Sec. 3. The bridge authorized to be constructed by this act shall not be less than 12 feet wide, and shall be constructed with a draw over the channel of said river twenty feet in width, so as to permit boats and vessels to pass through the same at all times free of charge, and without unnecessary delay.

Rates of toll.

Sec. 4. The persons authorized to construct said bridge, shall have power for the period of twenty years from and after the completion thereof, to demand and collect toll for

passing the same as follows: For any vehicle drawn by two horses or oxen, and driver, twenty cents; for each additional horse or ox five cents; for any vehicle drawn by one horse and driver, ten cents; for a horse and rider five cents; for all animals in droves less than fifty, three cents each; and for all over fifty, two cents each; for each foot passenger two and a half cents.

To be posted up.

Sec. 5. A list of the rates of toll for crossing shall be posted up in some conspicuous place on the said bridge.

Supervisors may purchase, &c.

Sec. 6. The Board of County Supervisors of Grant county shall have power and authority at any time to make, and declare said bridge free, on first paying to the owners of said bridge the cost of construction thereof, and of the necessary fixtures thereof; and in case said Henry L. Meassey, William Hull, and associates shall fail to build and complete said bridge within eighteen months from the date of this act, then and in that case the said Board of Supervisors shall have authority to build and maintain a free bridge constructed in the manner above set forth.

Sec. 7. This act shall take effect from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved January 29th, 1852.
LEONARD J. FARWELL.

An Act to change the name of Gunnel Gunnelson.

Chap. 4.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. The name of Gunnel Gunnelson of the town of Clinton in Rock county, Wisconsin, is hereby changed to that of Gunnel Gunnelson Martin, and by the last mentioned name he shall be hereafter known and recognized.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved January 29, 1852.
LEONARD J. FARWELL.

Chap 5. An Act appropriating to Matthew Murphy the sum therein named.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Matthew Murphy, to be paid out of any money in the Treasury not otherwise appropriated, the sum of forty-five dollars for his per diem as member of Assembly, up to and including the thirty first day of January, A. D., eighteen hundred and fifty-two.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved January 31st, 1852.
LEONARD J. FARWELL.

Chap. 6. An Act to authorize the borrowing of money to construct a harbor at the mouth of Sheboygan River.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Commissioners. SECTION 1. That Asahel P. Lyman, Henry Stocks, Chas. D. Cole, Jonathan F. Seeley, A. G. Dye, Reed C. Brazelton, and John Grove, and their successors are hereby appointed a Board of Commissioners for the purpose of constructing a harbor at the mouth of the Sheboygan river in the county of Sheboygan:

To organize, &c. SEC. 2. Said commissioners shall, previous to the transaction of any other business, elect one of their number President, and one Treasurer, and shall also appoint a Secretary. The President when present shall preside at all meetings of the Board for the transaction of business; and the Secretary shall keep a record of all the doings of said board. The first meeting of said Commissioners shall be at Sheboygan, at such time as shall be designated by a majority of them.

Authorized to borrow. SEC. 3. Said Commissioners are hereby authorized to borrow ten thousand dollars on the credit of the village of Sheboygan, and twenty thousand dollars on the credit of the county of Sheboygan, to be expended by them in the construction of said harbor; said loans to be for a term of years not less than five years, nor more than twelve years, at such legal rate of interest as shall be agreed upon by said commissioners, payable annually.

To issue bonds. SEC. 4. Said Commissioners, to secure the payment of said loans as hereinbefore specified, are hereby authorized

to issue bonds for ten thousand dollars in the name of the village of Sheboygan, in such sum or sums not less than one hundred dollars, as said commissioners shall deem expedient: said bonds shall be signed before issued, by the President and Secretary of said Board of Commissioners, and countersigned by the Clerk of said village of Sheboygan, and also like bonds for the sum of twenty thousand dollars, in the name of the county of Sheboygan, to be signed before issued, by the President and Secretary as aforesaid, and countersigned by the Clerk of the Board of Supervisors of said county. Said bonds, when signed and countersigned as aforesaid, shall be, in the hands of any bona fide holder of the same, full and complete evidence both in law and equity to establish the indebtedness of said village and county of Sheboygan according to the tenor and effect of said bonds; *Provided*, that no bonds shall be issued except by order of a majority of said commissioners, made at a meeting of said board, and entered upon the records of their proceedings. Proviso

Sec. 5. It shall be the duty of the said commissioners on or before the fifteenth day of March in each year, to give notice to the Clerk of the board of Trustees of said village of Sheboygan of the sum that will become due for interest or principal, or both, upon the bonds of said village issued by them as aforesaid, for the ensuing year, and of the place where the same is payable, and on or before the first day of October in each year they shall give a like notice to the Clerk of the Board of Supervisors of said County of the sum that will become due for interest or principal, or both, upon the bonds of said county, issued by them as aforesaid for the ensuing year, and of the place where the same is payable. Commissioners to notify clerk o village, and o Supervisors.

Sec. 6. It is hereby made the duty of the said board of trustees of the village of Sheboygan to levy an annual tax upon all the taxable property within the corporate limits of said village, to be collected in cash in the same manner that other village taxes are collected, sufficient to pay the annual interest upon the said sum of ten thousand dollars, or so much thereof as shall be borrowed by said commissioners, and that in the year previous to which the principal sum so loaned or any part thereof shall become due, it shall be the duty of the said Trustees to levy an additional tax upon all the taxable property within said corporate limits to be collected in cash, in manner aforesaid to pay the principal sum or sums due on said bonds; and it is also hereby made the duty of the Board of Supervisors of said county, or such other officer or officers as are required by Board of trustees to levy tax.

law to levy the taxes in said county, to levy an annual tax upon all the taxable property in said county to be collected in cash by the same officers and in the same manner that the State taxes are levied and collected, sufficient to pay the annual interest upon the said sum of twenty thousand dollars, or so much thereof as shall be borrowed by said commissioners, and that in the year previous to which the principal sum so loaned or any part thereof shall become due, it shall be the duty of said board of Supervisors or other officer or officers, to levy an additional tax upon all the taxable property of said county, to be collected in cash to pay the principal sum or sums due on said bonds.

Commiss'ers to expend money, and make report

Sec. 7. Said Commissioners shall expend all moneys borrowed by them in the manner aforesaid, in the construction of a harbor at the mouth of Sheboygan river; and they shall make a semi-annual report to the board of trustees of the village of Sheboygan, and also to the board of Supervisors of said county, of all their receipts and disbursements, and of their progress in the construction of said harbor, and shall cause a copy of said report to be published in each of the newspapers published in said county.

Sec. 8. If it shall be necessary for said commissioners to enter upon and take any lands adjoining the mouth of said river, for the construction of said harbor, and the said commissioners shall not be able to agree with the owner or owners of the same upon the amount of damage or compensation which said owner or owners should receive for the lands so entered upon and taken possession of by said commissioners for the purpose aforesaid, the said commissioners may apply to any Justice of the Peace who shall upon the request of said commissioners give notice in writing to the said owner or owners that at a certain time and place therein mentioned, he will appoint three disinterested freeholders, appraisers to estimate and appraise the damages which said owner or owners may sustain by the entering upon and taking his or their lands for the purposes aforesaid. Said notice shall be served upon said owner or owners if residents of said county, at least five days previous to the time of appointment of said appraisers therein mentioned, and in case said owner or owners shall not be residents of said county, then the said commissioners shall cause a notice to be published in one of the newspapers published in said county, for three successive weeks, once in each week, that on some day therein mentioned not less than three weeks after the first publication of said notice they will apply to some Justice of the Peace in said county mentioned in said notice, to appoint appraisers for the pur-

How damage to be settled,

To serve notice.

pose aforesaid; at the time and place mentioned in said notice the said Justice shall appoint three freeholders, appraisers to estimate and appraise the damages sustained by the owner or owners of said lands by reason of the entering upon and taking said lands for the purposes aforesaid. It shall be the duty of said appraisers to give notice to the said commissioners and the owner or owners of said lands that on a certain day they will appear on the premises for the purpose of making the appraisement aforesaid; said notice shall be served on the said parties at least five days previous to the time appointed for making said appraisement in all cases where the owners reside in said county, and when said owners are not residents of said county the said appraisers shall give notice of the time of making said appraisement by publication in a newspaper as above mentioned: at the time appointed, said appraisers shall go upon the premises and view the same, and shall make an appraisement on oath of the damages to be sustained by said owner or owners and reduce the same to writing, sign the same and deliver a copy thereof to said commissioners, and file the original appraisement with the Clerk of the Circuit Court of said county. The said commissioners shall within three days after the filing of said appraisement, pay to said Clerk for the use of said owners the amount of damages estimated by said appraisers, and shall also pay all the costs and expense of said appraisements; and upon said payment by said commissioners they shall have full power to enter and take said lands for the purposes aforesaid.

How appraisal to be made.

Sec. 9. All contracts entered into by said commissioners shall be made in the name of the Sheboygan Harbor Commissioners, and shall be signed by the President and Secretary of said board, and all contracts shall be made by consent of a majority of the board, or by some person duly authorized by a vote of the majority of said board at a meeting of the same.

How contracts to be made

Sec. 10. Said commissioners shall receive no pay for their services.

No pay.

Sec. 11. Said commissioners shall negotiate said bonds for nothing except cash or labor and materials to be expended in the construction of said harbor, nor shall they pay for any such labor or materials except in cash or said bonds.

Bonds to be negotiated.

Sec. 12. Any four of said commissioners shall have power to transact any business authorized to be transacted by said board of commissioners.

Quorum.

Sec. 13. It is hereby made the duty of the Clerk of the village of Sheboygan and of the board of Supervisors of

Clerks to countersign bonds.

said county of Sheboygan to countersign all bonds presented to them by said board of commissioners not exceeding the sums in this act authorized to be issued by said commissioners, on the credit of said village and county respectively, and they shall respectively keep a correct register of all the bonds so countersigned by them.

Sec. 14. It shall be the duty of the Treasurer of said village of Sheboygan and of the county of Sheboygan to pay the interest and principal which shall become due upon the bonds of the said village and county issued as aforesaid out of the moneys coming into their hands for such purpose, at such time and place as shall be specified in said bonds.

How interest & principal to be paid.

How vacancy to be filled.

Sec. 15. When any vacancy shall occur in said board of commissioners by the resignation, death, or removal from said county of any of said commissioners, it shall be filled by an election by the remainder of said board of some free holder of the said county.

Sec. 16. This act shall take effect from and after its passage.

J. M. M. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, January 31, 1852.
LEONARD J. FARWELL.

Chap. 7.

An Act to change the name of Susan Burrell and Henry Paul.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That the name of Susan Burrell shall hereafter be Susan Mary Parker and the name of Henry Paul shall hereafter be John Henry Parker, by which names the said persons shall be called and known to all legal intents and purposes.

To be heirs.

Sec. 2. The said persons whose names are thus changed by section first of this act, shall be the children and heirs at law of John Parker of Kenosha, Wisconsin, and the obligations of child to parent and parent to child shall pertain as fully between the parties herein named as in the case of natural parentage and descent.

Sec. 3. This act shall take effect from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, January 31, 1852.
LEONARD J. FARWELL.

An Act to authorize the village of Manitowoc to borrow money for the construction of a harbor at the mouth of the Manitowoc river.

Chap. 8.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. The President and Trustees of the village of Manitowoc are hereby authorized to borrow, on the faith of said village, for the purpose of constructing a harbor at the mouth of the Manitowoc river in said village, any sum or sums of money not exceeding in the aggregate fifteen thousand dollars, for any term or terms not exceeding fifteen years, and at such rate or rates of interest not exceeding ten per cent. per annum as to them shall seem expedient. Authorized to borrow money.

Sec. 2. The whole of the money so borrowed shall be appropriated to the purpose of constructing such harbor, and to no other purpose whatever. How to be used.

Sec. 3. It shall be the duty of the President and Trustees of said village, and they are hereby authorized to levy and collect annually on all the taxable property in said village, in addition to the taxes already authorized by law, the sum of one per centum on the last assessed valuation of said taxable property to pay and discharge the interest on said loan or loans, as the same becomes due and the remainder to constitute a sinking fund for the final liquidation of the principal of the loan or loans so made as the same becomes due; and the proceeds of every such tax shall be applied to the payment of the interest and principal of such loan or loans and to no other purpose whatever. May levy taxes

Sec. 4. Every tax levied by virtue of this act, shall be levied and collected in the same manner as taxes for state purposes are levied and collected and shall be a lien on real estate from the time such levy shall be made. How levied.

Sec. 5. Whenever the President and Trustees shall have voted to borrow any sum of money, the president of said village may and he is hereby authorized to issue under his hand and official seal, the bonds of said village in sums not less than one hundred dollars, to the amount of May issue bonds

the sum so voted to be borrowed, which bonds may be negotiated under the authority of the said President and Trustees.

To appoint harbor master.

SEC. 6. As soon as the loan of any money shall have been made, the President and Trustees of said village shall appoint some suitable person, harbor master, whose duty it shall be to expend the moneys so raised in pursuance of this act, and who shall receive such compensation as shall be fixed by said President and Trustees.

Duties of harbor master.

SEC. 7. The said harbor master shall hold his office during the pleasure of the said President and Trustees, and before entering upon the discharge of his duties shall execute to the treasurer of said village a bond in double the amount of the moneys so placed in his hands for expenditure condition for the faithful performance of his duties, with sureties to be approved by the said president and trustees. The said harbor master shall at the end of every three months and as often as required by the said president and trustees, make out and submit to the said president and trustees a written report of all his proceedings during the time preceding the date of such report in which he shall give a detailed statement of the manner in which the moneys received by him have been expended, stating the amount, for what, and to whom paid.

When act to take effect.

SEC. 8. This act shall take effect when a majority of the legal voters of said village voting upon said question shall vote in favor of the same, at any general election or at any special election called for that purpose by the said president and trustees of said village.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, January 31, 1852.
LEONARD J. FARWELL.

Chap. 9.

An Act regulating the minimum price of certain School Lands.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Minimum price.

SECTION 1. The minimum price of all lands already selected or hereafter to be selected as part of the five hundred thousand acres of land donated by Congress to this State shall be one dollar and twenty-five cents per acre; and none of said lands shall hereafter be sold at a less sum

than such minimum price; and this act shall take effect and be in force from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.
Approved, January 31, 1852.
LEONARD J. FARWELL.
[*Published, February 2d*, 1852.]

An Act to change the name of Laura Calista Jenkins to Mary Frances Bullard. **Chap. 10.**

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Section 1. That the name of Laura Calista Jenkins shall hereafter be Mary Frances Bullard, by which name she shall be known to all intents and purposes.

Sec. 2. The said person whose name is thus changed by section first of this act shall be the child and heir at law of John Bullard, Junior, of Kenosha county, State of Wisconsin, and the obligation of child to parent and parent to child shall pertain as fully between the parties herein mentioned as in the case of natural parentage and descent. To be heirs at law.

Sec. 3. This act shall take effect from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.
Approved, January 31, 1852.
LEONARD J. FARWELL.

An Act relating to the repeal of Statutes. **Chap 11.**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. No suit at law, or criminal prosecution, now pending, or which shall hereafter be commenced, founded upon any statute of this state, shall be defeated by a repeal of such statute; but such suit or prosecution shall proceed to issue, trial and final judgment, in the same manner and to the same purpose and effect, as though the statute upon which the same is, or shall be. founded, No suit to be defeated by repeal of statute.

was continued in full force, virtue and effect, to the time of such issue, trial, and final judgment.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, February 5th, 1852.
LEONARD J. FARWELL.
[*Published, February* 6, 1852.]

Chap. 12. An Act to provide for the collection of delinquent taxes in the town of Willow Springs, in LaFayette county, for the year 1849.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To collect tax of 1849.

SECTION 1. The treasurer of the town of Willow Springs, in the county of LaFayette, is authorized and required to receive from the county treasurer of said county the warrant and tax list of the said town, for the year one thousand eight hundred and forty-nine, and proceed to the collection of all taxes due and unpaid on said tax list according to law.

SEC. 2. Said treasurer shall make return of the warrant to the county treasurer according to the provisions of law within thirty days after the time he shall receive the same, and the county treasurer shall proceed to sell the lands for delinquent taxes, in the manner now provided by law.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, February 5, 1852.
LEONARD J. FARWELL.

Chap. 13. An act authorizing the Register of Deeds of LaFayette county, to correct the recorded plat of the village of White Oak Springs, and to provide for the collection of delinquent taxes therein

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Register to correct plat.

SECTION 1. The register of deeds of the county of LaFayette is hereby authorized and required to alter and correct the recorded plat of the village of White Oak Springs, in said county, so that said recorded plat shall designate and describe said village of White Oak Springs, as situated upon the west half of the north east quarter, of section number thirty-two, in town one, north of range number

two east, according to the intention of the original projectors, and the actual location of said village of White Oak Springs.

Treasurer to collect tax.

Sec. 2. The treasurer of said town of White Oak Springs is authorized and required to collect the delinquent taxes assessed upon the lots in the said village of White Oak Springs, for the years 1849 and 1850, of the owners of said lots, in the same manner that he might have done had said lots been described and designated as lying and being situate upon the west half of the northeast quarter of section number two, in town one, north of range number two east, and that none of the acts of said treasurer shall be held illegal or void on account of the difference which may exist between the description of the said lots as set forth in the recorded plat of said village, and the description contained in this act.

Acts legalized.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, February 5, 1852.
LEONARD J. FARWELL.

An Act to change the name of Catharina Kroeger and make her the heir in law of Bernhard Stoevekin and Francisca Stoevekin.

Chap. 14.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Name changed.

Section 1. The lawful name of Catharina Kroeger, shall hereafter be Catharina Stoevekin, by which name she shall be called and known to all legal intents and purposes.

To be heir.

Sec. 2. The said Catharina Stoevekin shall be the child and heir at law of Bernhard Stoevekin and Francisca Stoevekin, and it shall be the duty of the said Bernhard Stoevekin and Francisca, his wife, to maintain and educate the said Catharina Stoevekin in the same manner as if she were their natural child: *Provided*, however, That nothing in this act shall preclude the court of chancery or any other court of competent jurisdiction, from taking into their custody the said Catharina Stoevekin as a ward of said court, and from disposing of her in such manner as shall seem meet to them; nor shall any thing in this act contained prevent the natural father of said Catharina Stoevekin from having the custody [and] care of her, in case any court or courts may deem it for the best interest of the said Catharina Stoevekin, that her nat-

Proviso.

ural father should have the care of maintaining and educating her.

J. McM. SHAFTER.
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, February 5, 1852,
LEONARD J. FARWELL.

Chap. 15

An Act to incorporate the Berlin, Wautoma, and Plover Turnpike and Plank Road Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Company.

SECTION 1. That Charles A. Sweet, Luther Forsyth, Ira O. Seeley, Nathan H. Strong, Lewis D. Phelps, Horace Merriam, Ezra Wheeler, George M. Mitchell, and J. Volney Swetting, be, and are hereby, appointed commissioners, under the direction of a majority of whom, subscriptions may be received to the capital stock of the Berlin, Wautoma, and Plover Turnpike and Plank Road Company; and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions, by publishing in a newspaper printed in the county of Marquette, at least thirty days previous to opening the books of said company for the purpose of receiving subscriptions to the capital stock of the company, giving notice of the times and places of receiving subscriptions.

To open books, &c

Created body corporate.

SEC. 2. All persons who shall become stockholders pursuant of the provisions of this act, are hereby created a body corporate in law, with continued succession, by the name and style of the Berlin, Wautoma, and Plover Turnpike and Plank Road Company, for the purpose of constructing a turnpike and plank road from the village of Berlin in Marquette county, by way of Wautoma in Waushara county, thence to the village of Plover in the county of Portage; also, to establish and construct a branch of said road from any point on the line of said road to Waupacca Falls, in the county of Waupacca, or to any other point on Waupacca River as shall be deemed most advantageous to said corporation; which company shall have power to sue and be sued in all courts, to receive by gift or purchase, and hold all such real estate and personal estate as may be necessary for the construction and management of said road; to have and to use a common seal, and to

pass all by-laws necessary for the government of said company.

Capital stock.

Sec. 3. The capital stock of said company shall not exceed one hundred thousand dollars, to be divided into shares of twenty-five dollars each, and shall be assignable and transferrable in such manner as shall be prescribed in the by-laws of said company.

Commissioners to call meeting

Sec. 4. Whenever five thousand dollars of the capital stock shall be subscribed for and distributed, and five per cent. thereon paid to the said commissioners for the use of said company, in such manner as shall be directed by said commissioners, it shall be the duty of the said commissioners to call a meeting of the stockholders at such time and place as they shall designate, by giving public notice thereof in a newspaper printed in the county of Marquette, and by posting up written or printed notices at three public places in each of the towns through which said road will pass in which any subscriber to the capital stock of said company may reside, for the purpose of choosing five directors for said company, and the persons thus chosen shall be the first directors of said company, and shall hold their offices for one year, and until others are chosen in their stead; the board of directors shall choose one of their number as president of the company, who shall hold his office one year, and until his successor is elected; subsequent meetings for the election of directors of said company may be provided for in the by-laws of said company. At every election of said company, each stockholder shall be entitled to one vote for every share of capital stock he shall hold, and may vote in person or by proxy.

May elect directors.

Commissioners to locate track

Sec. 5. The company when so organized, shall have the right to locate and construct a single or double track turnpike and plank road, between the points mentioned in section second of this act, or any part of the distance, and may connect the same or a branch thereof with any other turnpike, plank, or other road. The track of said road shall be constructed of timber, plank, stone, gravel, or other hard and durable substance, or partly of each, so as to have a hard, smooth and even surface. The particular manner of building said road to be determined by the said board of directors.

Location how determined.

Sec. 6. The location of the route of said road shall be determined by the board of directors of said company, and if the same be located on any public highway, they shall have power to contract with the proper authorities of the town in which said road may be, for the right to use said highway for the purposes of said road, and the said proper

authorities are hereby authorized to grant to said company the right to use any highway in the town as aforesaid, on such terms as they may agree upon. And if the whole or any portion of said road shall be located on the state road heretofore laid out between Berlin and Plover aforesaid, by Thomas Noyes, Ira O. Seely, and Gerge W. Mitchell, commissioners appointed for that purpose, the said company are hereby authorized to enter upon, take, use and occupy the said state road, or such portions thereof as they may deem necessary, for the building, repairing, locating and constructing said turnpike and plank road in the same manner and to the same extent as if said company were the owners of said state road.

Charter how forfeited

Sec. 7. If said company shall not within five years from the passage of this act commence the construction of said road, and shall not within that time construct a single or double track for a distance of ten miles, then and in that case, it shall be considered a violation of this charter, and all the rights, privileges and powers of said company under this act may be resumed by the state of Wisconsin, and such disposition made with regard to any portion of said road which may have been constructed, as the legislature thereof may deem meet and proper, consistent with law and justice.

May enter upon lands

Sec. 8. It shall and may be lawful for said company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of said road, doing thereto no unnecessary damage, nor locating any such route through any orchard or garden, without the consent of the owner thereof, nor through any building or any fixtures for the purposes of trade or manufactures, or any yard or enclosures necessary to the use and enjoyment thereof without the consent of the owners; and when the said route shall be determined by said company, it shall be lawful for them, their officers, agents, engineers, contractors and servants, at any time, to enter upon, take possession of, and use such lands to the width of four rods, and to the width of six rods if the said company shall obtain a grant for that purpose and to that effect from the United States; and also to take from any land adjoining said road, gravel, stone, or earth for the purpose of constructing or repairing said road, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter directed and provided in the case of land.

Disputes how settled.

Sec. 9. Whenever it shall be necessary for said com-

said road, any land upon which the same may be located, and the owner or owners of said land shall refuse to permit such entry or occupation, and the parties cannot agree upon the compensation to be made for injury that may be done to said land by such entry or occupation, it shall and may be lawful for the parties to appoint three disinterested persons to estimate such damage, who shall take an oath or affirmation fairly and impartially to estimate the same, and who shall reside in the county where the land lies. The expenses incurred by said appraisers shall be defrayed by said company, but if the parties cannot agree upon such persons, or if the persons so chosen can not decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointment, within twenty days after requisition for that purpose upon him made, or if such owner shall be under legal disability, or out of the state, then it shall be lawful for the judge of the circuit or county court in which such land lies, on application of either party, at the cost and charge of said company, to appoint three disinterested persons of the said county, to view and examine said lands and estimate the injury or damage, if any, in their judgment, will be sustained as aforesaid, by reason of the location and construction of said road, and it shall be the duty of said appraisers in estimating such damages to take into consideration the advantages that may accrue to the owner of said lands from the construction of said road, and report the same, under oath or affirmation, to the circuit or county court of said county, which report being confirmed by said court, judgment shall be entered thereon. The said viewers shall be entitled to two dollars per day, each, for their services, to be paid by said company in all cases where the damages shall be assessed to a greater amount than the sum that may have been tendered by said company for the use of said land, or be paid by the owner or owners in all cases where the assessed damages shall not be greater than the sum thus tendered: *Provided*, That in case the owner of such land be under any legal disability, then the costs of such assessment shall be paid by said company: *Provided further*, That either party may appeal to the said court within thirty days after such report may have been filed in the clerk's office, and such appeal shall be tried as other issues arising in said court: *And provided also*, That upon payment of the sum specified in the report of said viewers or appraisers, to the owner or owners of said land, or a deposit of the

Judges may appoint appraisers

Proviso

Proviso

in which the land is situated, the said company may immediately take and use the same without waiting the issue of said appeal.

Directors to appoint officers.

Sec. 10. The directors of said company may appoint a secretary, treasurer, and such other officers as they may deem necessary, and shall have power to decide the time, manner and proportions in which stockholders shall pay money due on the share or shares held by them, and to declare forfeited to the use of said company the share or shares; any person or persons failing to pay any installment so required to be paid, after notice of the same in the manner to be provided therefor in the by-laws of said company, for a period of not less than sixty days: *Provided*, That no installment called in at any one time shall exceed five dollars per share, and no installment shall be called in by the directors without giving at least thirty day's notice, in the manner to be provided for in said by-laws, or in their discretion sue for and collect the same from such delinquent stockholders, in any court of competent jurisdiction, in the name of said company.

Their powers and duties.

To issue certificates.

Sec. 11. The directors elected as aforesaid, shall issue a certificate to each stockholder for the number of shares he or they may subscribe for or hold in the said company, signed by the president and countersigned by the secretary, and sealed with the common seal of said company, subject, however, to all payments due and to become due thereon, which stock may be transferable in person or by attorney, executors, administrators, guardians or trustees under such regulations as may be provided for in the by-laws of said company.

Exhibit to be made.

Sec. 12. At each annual meeting of the stockholders for the purpose of choosing directors, the directors of the preceding year shall exhibit to the meeting a complete statement of the affairs and proceedings of said company, for such year, and special meetings of the stockholders may be called by the directors, or by any number of the stockholders holding one-fourth in amount of capital stock of said company on like notice as required for annual meetings, but no business shall be transacted at such special meeting unless a majority in value of all the stock shall be then and there represented.

May erect toll gates.

Sec. 13. On the completion of said road, or any portion of the track, not less than five miles, the company may erect one or more toll gates upon their road, but not at a less distance than three miles apart, and may demand and receive such tolls as from time to time they may think reasonable, not exceeding two cents per mile for any car

riage or vehicle drawn by one or two animals, and one cent for every additional animal; for every horse and rider, or led horse, one cent per mile; and for every score of sheep or swine, one cent per mile; and for every score of neat cattle, two cents per mile.

Sec. 14. If any person shall wilfully and knowingly obstruct, break, injure or destroy, the road so constructed by said company or any part thereof, or any work or fixture attached to, or in use upon the same, belonging to said company, such person or persons so offending shall each of them for every such offence, be liable to a civil suit for the recovery of damages by said company, in any court having competent jurisdiction in the county, and shall also be subject to indictment, and upon conviction of such offence shall be punished by fine and imprisonment, or either, at the discretion of the court. Penalty.

Sec. 15. The property of every individual which may be invested in said corporation shall be liable to be taken in execution for the payment of his or their debts, in such manner as is or may be provided by law: *Provided*, That all debts due said company from such individuals shall be first paid. Property liable for debts. Proviso.

Sec. 16. The debts and liabilities of said corporation shall not exceed in amount, at any one time, seventy-five per cent. of its capital actually paid in, and if debts and liabilities shall at any time be in arrear to a greater amount than by this section is provided for, the directors of said company shall be jointly and severally individually liable for such excess, in addition to their other liabilities in law, as provided for in this act. Debts.

Sec. 17. The directors of said company may, at any annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, provide for such increase of the capital stock of said company to complete said road as shall be deemed necessary, but in no case shall it exceed the amount limited in the third section of this act. May increase capital stock.

Sec. 18. Said company is hereby authorized to borrow money to be expended in the construction and equipment of their said road and its appendages, and to issue bonds for the payment thereof in the usual form, said bonds not to exceed in the aggregate at the period of the completion of said road, three-fourths of the whole amount actually expended in said road, and its appendages as aforesaid, and may make and execute in the corporate name of said company, all necessary writings, notes, bonds or other paper for any liability that it may incur in the construction of said road. May borrow money.

Directors, their duties.

Sec. 19. The directors of said company shall audit and pay all accounts, give and receive all such receipts and discharges of debts as shall be deemed best for the interests of said company, fix the compensation of all officers and agents they appoint, establish such by-laws respecting the duties of such officers and agents, regulate the travel on said road, declare and pay the dividends of the surplus profits of the company which may accrue on the shares of said stock, to the stockholders of said company, at least twice in each year.

Passing toll gate, &c.

Sec. 20. Any person who shall forcibly or fraudulently pass any toll-gate erected on said road, without having paid the legal toll, and any person who, to avoid the payment of legal tolls, shall, with any carriage or horse or other vehicle or animal liable to toll, turn out of such road, or pass any gate thereon on ground adjacent thereto, and enter again on such road, or in any manner avoid the payment of the toll to which he may be liable, shall for each offence be liable to a fine not exceeding ten dollars, to be prosecuted for in any court having competent jurisdiction thereof, by any officer, agent, servant or stockholder of said company, in the name and for the use of said company, and every carriage, horse, animal or vehicle so offending against the provisions of this section shall be liable to be taken in attachment or in execution for the payment of such fine.

Keeper may stop persons refusing to pay.

Sec. 21. Each toll gatherer duly authorized by the directors of said company, may detain and prevent from passing through his gate all persons riding, leading or driving animals, carriages or vehicles, subject to toll, until they shall have paid respectively the tolls authorized by law.

Legislature may resume powers

Sec. 22. If said company shall abuse the privileges hereby granted, the legislature may resume all and singular the rights and privileges vested in said company by this act, and may establish rules and regulations for the government of said company, in relation to said road and the use of the same.

Liable for damages.

Sec. 23. The said company shall be liable for all injury or damage which any person may sustain in his person or property by reason of the said road being out of repair, or any defect in said road.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, February 5, 1852.
LEONARD J. FARWELL.

An act to incorporate the Janesville and Sugar River Plank Road Company. **Chap. 16.**

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Company. Section 1. Ira Miltimore, Josiah F. Willard, Ezekiel Clapp, Nathaniel Crosby, Zebulon P. Burdick, Samuel F. Chipman, Ezra A. Foot, Amos Remmington, Lyman Kingman, Asa G. Felt, Timothy T. Cortelyon, Benjamin Grover, Zebura Warren, Erastus C. Smith, Joseph K. P. Porter, Simon Perroy, and Joseph Kinney, and such other persons as shall associate with them and become stockholders pursuant to the provisions of this act, shall be, and are hereby, created and made a body corporate and politic, in fact and in name, by the name and style of the "Janesville and Sugar River Plank Road company," with perpetual succession, and by that name shall have all the privileges, franchises, and immunities incident to a corporation, to wit: They shall be capable in law of purchasing, holding, leasing, and conveying estate, either real, personal, or mixed, and in their corporate name may sue and be sued, may have and use a common seal, which they may alter at pleasure, and generally may do all and singular the matters and things which they are authorized by law to do for the interest and well being of said company.

Powers.

May open books. Sec. 2. The persons named in the first section of this act, or a majority of them, shall be commissioners to open books and receive subscriptions to the capital stock of said company at such times and places as they shall deem expedient, and whenever the amount of five thousand dollars of such capital stock shall be subscribed for and distributed, and five per cent. paid thereon, said commissioners shall call a meeting of the stockholders of said company by giving at least twenty days notice thereof in two or more newspapers published in the county of Rock, for the purpose of electing nine directors of said company, who shall immediately proceed to elect one of their number president, and annually thereafter the said stockholders shall meet on the second Monday in April, for the purpose of electing directors as aforesaid, on a like notice to be given by the president or secretary, in some newspapers as they may deem proper: *Provided*, That if from any cause an election shall not be held at the regular time specified therefor, the same may be held at any other time on notice as aforesaid, and that until such election, the directors of the preceding year shall continue to act, and this charter shall not be avoided

Proviso.

by reason of any irregularity in, or want of such election, and in case of a vacancy in the board of directors, the same may be filled by appointment of a majority of the board, until the next annual election thereafter.

Powers of directors.

Sec. 3. The business of said company shall be managed by a board of nine directors, who shall be stockholders; the directors shall be chosen annually by ballot by the stockholders of said company, and shall serve until others are elected in their stead. The vote may be given in person or by proxy duly authorized. The directors shall make such by-laws, rules and regulations, not inconsistent with the constitution and laws of this state, as may be necessary for the well ordering of the affairs of said company, and a majority of said directors shall form a quorum for the transaction of business for the company. In the absence of the president of the board of directors, the board may appoint a president, pro tem. The board shall also appoint a secretary, treasurer, engineers, and such other officers as they may deem necessary, and fix their compensation and may demand adequate security for the performance of their respective duties. They shall have full power to decide the time and manner in which said stockholders shall pay the money, or labor due on their respective shares, not exceeding twenty per cent. at any one installment, and to forfeit to the use of the company the share or shares of every person failing to pay any installment, at a reasonable period, not less than thirty days after the time appointed for the payment thereof. The commissioners, until the directors are chosen, shall do and perform all and singular the duties and trust imposed by this act upon the directors of said company. They shall appoint a chairman, secretary and treasurer; the chairman to be one of their own number, and until the directors are appointed according to the provisions herein contained, they shall in fact constitute a board of directors for the company, with like powers as are herein conferred upon the said board of directors. The said commissioners shall issue certificates to the stockholders for the number of shares such stockholder may have subscribed for, or may hold in said company, the certificates to be signed by the secretary and countersigned by the chairman, and to be subject to all the payments due and to become due thereon, which stock shall be transferable in such manner as shall be prescribed by the by-laws of said company.

Officers

Sec. 4. The capital stock of said company shall be twenty thousand dollars, and shall be divided into shares of twenty-five dollars each; each stockholder shall be en-

titled to one vote for each and every share of stock he or she may hold; and any person may subscribe to pay his or her shares in labor or materials upon said road, under the supervision and direction of the board of directors:— *Provided, always*, That five per cent. in cash be paid on making such subscription to the stock of said company. Capital stock.

SEC. 5. The said company shall have power to construct a plank road, or a road partly of plank and partly of gravel, or other good and substantial material, from Janesville, in the county of Rock, to the village of Decatur, on Sugar River, in the county of Green, and to continue said road from thence to Monroe, in the said county of Green, beginning at or near the quarter post on the east line of section thirty-five, in town three, north of range twelve east; thence along the east line of said section to the south-east corner thereof; thence on the most eligible route to the south-east corner of the west half of the south-west quarter of section three, in town two, north of range twelve east; thence to the south-west corner of section two, in town two, north of range eleven east; thence to the village of Decatur aforesaid, and from thence to Monroe; also to construct a branch of said road from the most eligible point in the same, to the village of Albany, in the said county of Green. The route of said road to be determined by the directors of the company, when elected and duly organized: *Provided always*, That the points of said road herein established, shall in no case be changed by said directors; and the said directors shall have power to construct said road along and upon any highway now, or hereafter laid out, or to be laid out and established by the proper authorities, and of such width as the said directors shall determine, but the surface, or arch of said road, shall in all places be of sufficient width for two teams to pass conveniently, though it shall be at the option of the directors, wherever the said road shall be constructed of plank, to lay down one or two tracks, as they may deem best for the interests of the company. Materials. Route. Proviso.

SEC. 6. It shall be lawful for said company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of said road, doing thereto no unnecessary damage, and when said route shall be determined or fixed by the company, it shall be lawful for them, their officers, agents, engineers, contractors, and servants at any time to enter upon and take possession of and use such lands to the width of four rods, and also to take from any lands adjoining said road, gravel, stone, or earth, for the purpose of constructing or repairing said road, subject, however, to such compensa- May enter upon lands.

tion as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter directed and provided.

Differences, how settled.

SEC. 7. Whenever it shall be necessary for said company to enter upon and occupy for the purpose of constructing said road, any land upon which the same may be located, or to take from such land or the land adjoining said road, any gravel, stone, or earth, for the purposes of said road, and the owner or owners of the same shall refuse to permit such entry, or occupation, or taking, and the parties cannot agree upon the compensation to be made for the injury to be done to such land for such entry, or occupation, or taking, it shall, and may be lawful for the parties to appoint three disinterested persons to estimate such damage, who shall be sworn fairly and impartially to estimate the same, and who shall reside in the the county where the land lies.—The expenses of such appraisal shall be paid by the company; but if the parties cannot agree upon such persons, or if the persons thus chosen cannot decide upon the matter, or if the owner of the land refuse or neglect to join in such appointment, within twenty days after notice for that purpose upon him made, or if such owner shall be under a legal disability or out of the state, then, and in either of such cases, it shall be lawful for the judge of the circuit court of the county in which such lands lie, upon application of either party, and at the cost and charges of the company, to appoint, and he shall appoint, three disinterested persons of the same county to view the lands and estimate the damage or injury which will be sustained by reason of the entry, or occupation, or taking as aforesaid. *Provided*,

Proviso.

That the party so applying to the judge of the court for the appointment of appraisers shall give to the other party, if a resident of this state, at least ten days notice of the intention of said party to make such application; which notice shall set forth the time and place at which such application will be made. And in case the owner of the land shall be a minor, insane person, or married woman, then it shall be sufficient to serve the said notice on the guardian of the said minor, committee of said insane person, or on the said married woman and her husband. The said appraisers shall as early as practicable, report under oath, to the circuit court of the county, the amount of damages sustained by any party by reason of such entry as aforesaid, which report being confirmed by the court, judgment shall be rendered therefor. The said appraisers shall be paid each two dollars per day for their services, by the company, in all cases where said damages exceed the amount offered by said

company previous to the appraisal, or to be paid by the other party when the sum awarded does not exceed the sum offered for damages by the company. The said appraisers shall in all cases take into account, in awarding damages, the benefits accruing to the person claiming damages, in consequence of the building of said road. Upon the payment to the owners of said lands, of the sum specified in the report of said appraisers, or upon depositing said sum with the clerk of the circuit court of the county where said lands are situated, for the benefit of said owners, the said company may immediately enter upon, occupy, or take from said lands as herein before provided.

May enter upon lands.

Sec. 8. The said company may erect toll gates, and demand and receive toll from all persons traveling on the said road, whenever three consecutive miles are finished, or when the whole road is finished. The tolls on said road shall not exceed the following rates per mile, to wit: For every vehicle, sled, sleigh, or carriage, drawn by one or two animals, two cents, and if drawn by more than two animals, one cent per mile for each additional animal; for every horse and rider, or lead horse, one cent per mile; for every score of neat cattle, four cents per mile; for every score of sheep, two cents per mile, and for every score of swine, two cents per mile.

May erect toll gates.

Rates of toll.

Sec. 9. Each toll gatherer may detain and prevent from passing any gate on said road, all persons, riding, leading, or driving animals or carriages subject to tolls, until they shall have paid, respectively, as authorized by this act, and any person who shall forcibly or fraudulently pass any toll gate erected on said road, pursuant to this act, without having paid the legal toll, and any person who, to avoid the payment of legal toll, shall, with his carriage or horse, or other vehicle, or animal or animals, liable to toll, turn out of such road, or pass any gate thereon, or land adjacent thereto, and enter again upon said road, shall, for each offence be liable to a fine not to exceed ten dollars, to be recovered in any court having competent jurisdiction thereof.

Toll gatherer may detain persons refusing to pay.

Sec. 10. If any person shall wilfully and maliciously obstruct, break, injure, or destroy said road, or any part thereof, or any work, building or fixture attached to, or in use upon the same, belonging to said company, such person so offending, shall for every such offence be liable for the recovery of damages by the company, and shall also be subject to indictment, and upon conviction shall be punished by fine and imprisonment, or either, at the discretion of the court.

Penalty.

Sec. 11. The directors of said company, or a majority

Capital stock may be increased.

in amount of said stockholders, may at any meeting of said company, called for that purpose, provide for such increase of the capital stock of said company as may be deemed necessary: *Provided*, That the capital stock of said company shall, in no case exceed the sum of fifty thousand dollars: *And provided further*, That such increase of capital shall be necessary to complete said road.

Sec. 12. This act shall be favorably construed to effect the purposes hereby intended, and the same is hereby declared to be a public act.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved February 5, 1852.
LEONARD J. FARWELL.

Chap. 17.

An Act to amend an act entitled, "An Act to incorporate the village of Manitowoc in the county of Manitowoc.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Meaning declared.

Section 1. That the words in the first section of the act to which this is amendatory, to wit: "north fraction of fractional north east quarter, south fraction of fractional north east quarter," were intended to embrace the whole of the north east fractional quarter of section numbered thirty, in the township mentioned in said act, and the whole of the north east fractional quarter of section numbered thirty in said township, is hereby declared to be included within the limits of said village.

Sec. 2. No account or claim against said village shall be paid until it shall have been presented to the trustees thereof, and audited and allowed by them at a regular or special meeting of the board, and when any such account or claim shall be so audited and allowed or disallowed, the president shall endorse thereon or annex thereto his certificate of such allowance or disallowance, which certificate together with such account or claim and affidavit shall be placed and kept on file in the clerk's office.

Claims, how audited.

Sec. 3. No money shall be paid out of the village treasury, except on warrant signed by the president and countersigned by the clerk, by order of the trustees, which warrant shall specify to whom and for what it is drawn, and before delivered a memorandum of its contents shall be made by the clerk, in the records of his office.

How warrant to be drawn.

Sec. 4. The Treasurer of said village shall receive, in addition to the fees already allowed him by said village charter, two and one-half per centum on all moneys received by him, and the same per centum on all moneys paid out by him in pursuance of law. Fees of Treas.

Sec. 5. That sections 30, 31, 32 and 33 of the act to which this is amendatory, and every portion of said act, inconsistent with the foregoing provisions, be and the same are hereby repealed. Repealing clause

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, February 6, 1852.

LEONARD J. FARWELL.

An Act to appropriate to G. W Hammett the sum therein named. **Chap. 18.**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to G. W. Hammett, out of any money in the treasury not otherwise appropriated, the sum of fifteen dollars, in full for his mileage as a member of the Assembly.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, February 6, 1852.

LEONARD J. FARWELL.

An Act to extend the time for the apportionment of the income of the school fund by the State Superintendent, for the year A. D. 1852. **Chap. 19.**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Sec. 1. The State Superintendent is hereby authorized to delay the apportionment of the amount of school monies to be distributed during the present year among the several counties of the state, and among the several towns therein, until the 25th day of February, A. D. 1852, on which When to apportion.

day the said State Superintendent shall apportion such monies in the manner now provided by law.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.
Approved, February 6, 1852.
LEONARD J. FARWELL.
Published, February 9, 1852.

Chap. 20. An Act to amend an act to authorize George Lerwick to build and maintain a dam across the Oconto river, approved February 16, 1842.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That David Jones and John W. Arndt, their successors and assigns, are hereby invested with all the rights and privileges granted to George Lerwick and his associates in said act.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.
Approved, February 6, 1852.
LEONARD J. FARWELL.

Chap. 21. An Act to vacate a certain portion of Greenhazen's addition to the village of Cedarburg.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Plat vacated. Section 1. That that portion of Greenhazen's addition to the village of Cedarburg, situated on the south-east quarter of the north-east quarter of section number twenty-seven in township ten (10,) north of range twenty-one (21,) east, in the county of Washington, which lies on the west side of Cedar Creek, and Blocks one, two, seven and eight (1, 2, 7, and 8,) on the east side of said creek, be and the same is hereby vacated.

Sec. 2. This act shall take effect from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.
Approved, February 6, 1852.
LEONARD J. FARWELL.

An Act to appropriate the several sums therein named.

Chap. 22.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Appropriation to senators and assemblymen.

Section 1. There is hereby appropriated to be paid out of any money in the state treasury, the sum of seventy-five dollars to each member of the Senate and Assembly, and the sum of one hundred and fifty dollars to Timothy Burns Lieutenant Governor, as part pay for their services at the present session of the legislature.

Pay of officers.

Sec. 2. There is hereby appropriated to be paid out of any money in the state treasury, to the Chief Clerk of the Senate the sum of six hundred dollars; and to the Chief Clerk of the Assembly the sum of five hundred and twenty-five dollars; and to the Sergeant-at-Arms of the Senate, the sum of three hundred and seventy-five dollars; and to the Sergeant-at-Arms of the Assembly the sum of six hundred dollars, in part pay for their services and those employed under them; which said amounts, when so paid by the Treasurer to the persons above named, they shall execute to said treasurer sufficient vouchers therefor.

Pay of Speaker.

Sec. 3. There is hereby appropriated to James McM. Shafter, seventy-five dollars out of any money in the state treasury, as part compensation for his services as speaker of the Assembly.

Contingent fund

Sec. 4. There is hereby appropriated to the chief clerks of the Senate and Assembly each, the sum of one hundred dollars, as a contingent fund for extra expenditures, to be accounted for by said clerks at the close of the session to the proper committees of their respective houses.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, February 6, 1852.
LEONARD J. FARWELL.

An Act locating the county seat of Washington county at the village of Grafton, and providing for its removal to the village of West Bend.

Chap. 23.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

County seat located

Section 1. The county seat of the county of Washington is hereby located and established at the village of Grafton, in said county of Washington.

Sec. 2. The legal voters of the county of Washington

Election to be holden. may vote at the time of the next town meeting election, for the removal of the county seat of Washington county from the village of Grafton, or from any other place where the same, by the laws and constitution of this state, shall, at the time of such election be located, to the village of West Bend in said county.

Vote by ballot. Sec. 3. The vote shall be taken by ballot, either written or printed, or partly written and partly printed, and shall be in the following form: the ballots for removal shall be "For removal of the county seat to West Bend;" the ballots against removal shall be "Against removal of the county seat," and all of said votes shall be deposited in a separate box, and canvassed and returned in the same manner as the votes of any general election.

How canvassed.

County seat may be located at W. Bend Sec. 4. If a majority of the votes cast at such election upon that subject shall be in favor of removal to West Bend, then, from and after the time of canvassing such vote, the county seat of said county shall be removed and permanently located at the village of West Bend, and it shall be the duty of the clerk of the board of supervisors of said county to publish the result of said election in any paper published in said county of Washington, within two weeks after the official canvass of said election.

Canvassers to reject &c Sec. 5. The board of canvassers shall reject all the votes cast, which do not express the words "For removal of the county seat to West Bend," or the words "Against removal of the county seat."

Sec. 6. All acts and parts of acts now in force and contravening the provisions of this act, are hereby repealed.

Sec. 7. This act shall take effect from and after its publication.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, February 13, 1852.
LEONARD J. FARWELL.

Chap. 24.

An Act to authorise the corporation of the village of Port Washington to purchase a burial ground for said village, out of the corporate limits thereof.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Authorised to purchase land. Section 1. The corporate authorities of the village of Port Washington, in the State of Wisconsin are hereby authorized and empowered, to purchase a sufficient quantity

of land out of the corporate limits of said village, for a burial ground or cemetery for said village, on such terms and on such conditions as they may deem necessary for the purpose, the cost of which shall be defrayed by said village.

Sec. 2. This act shall take effect from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved February 13, 1852.
LEONARD J. FARWELL.

An Act to appropriate to Chauncey Abbott the sum therein named. **Chap. 25.**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to Chauncey Abbott, post master at Madison, out of any money in the treasury not otherwise appropriated, the sum of fifty-one dollars and ten cents, being for postage of the adjutant general from the 2d to the 16th of June, 1851, and from the 1st of October to the 31st December, 1851.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved February 13, 1852.
LEONARD J. FARWELL.

An Act to appropriate to Duncan C. Reed a certain sum of money. **Chap. 26.**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated, to be paid out of any money in the treasury not otherwise appropriated, to Duncan C. Reed, the sum of sixty-five dollars, as compensation for his services as president *pro tempore* of the senate, during the session of 1851.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, February 13, 1852.
LEONARD J. FARWELL.

Chap. 27.

An Act to incorporate the Gills Landing and Stevens Point Turnpike and Plank Road Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Company.

SECTION 1. That Abraham Brawley, Thomas J. Moormon, William V. Flemming, Peter Grover, Angus McAuley, Moses M. Strong, John Rash, and Albert G. Ellis, be, and they are hereby, appointed commissioners, under the direction of a majority of whom, subscriptions may be received to the capital stock of the Gills Landing and Stephens Point Turnpike and Plank Road Company; and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions, by publishing in a newspaper printed in the

To open books &c.

county of Portage or Waupacà, and if no newspaper shall be printed in said counties, then in one published at Madison, the seat of government, at least thirty days previous to opening the books of said company, for the purpose of receiving subscriptions to the capital stock of said company, giving notice of the times and places of receiving subscriptions.

Created body corporate.

SEC. 2. All persons who shall become stockholders pursuant of the provisions of this act, are hereby created a body corporate in law, with continued succession, by the name and style of the Gills Landing and Stevens Point Turnpike and Plank Road Company, for the purpose of constructing a turnpike and plank road from Gills Landing on the Wolf River, in the county of Waupaca, to Stevens Point, on the Wisconsin River, in the county of Portage; which company shall have power to sue and be sued in all courts, to receive by gift or purchase, and hold all such real and personal estate as may be necessary for the construction and management of said road; to have and to use a common seal, and to pass all by-laws necessary for the government of said company.

Capital stock.

SEC. 3. The capital stock of said company shall not exceed fifty thousand dollars, to be divided into shares of twenty dollars each, and shall be assignable and transferable in such manner as shall be prescribed in the by-laws of said company.

Commissioners to call meeting.

SEC. 4. Whenever ten thousand dollars of the capital stock shall be subscribed for and distributed, and ten per cent. paid thereon to the said commissioners for the use of said company, it shall be the duty of the commissioners named in this act, to call a meeting of the stockholders at such time and place as they shall designate, by giving pub-

lic notice thereof in a newspaper published in either of said counties or at the seat of government, for the purpose of choosing five directors of said company, and the persons thus chosen shall be the first directors of said company, and shall hold their offices for one year, and until others are chosen in their stead. The board of directors shall choose one of their number as president of the company, who shall hold his office for one year, and until his successor is elected. At every election of said company, each stockholder shall be entitled to one vote for every share of capital stock he shall hold, and may vote in person or by proxy. May elect directors

Sec. 5. The company when so organized, shall have the right to locate and construct a single or double track turnpike and plank road, between the points mentioned in section second of this act, or any part of the distance, and may connect the same with any other turnpike, or other road. The track of said road shall be constructed of timber and plank, charcoal, stone, or gravel, or partly of each, so as to have a hard, smooth, and even surface. The particular manner of building said road to be determined by the said board of directors. Commissioners to locate track

Sec. 6. The location of the route of said road shall be determined by the board of directors of said company, and if the same be located on any public highway, they shall have the power to contract with the proper authorities of the town in which said road may be, for the right to use said highway for the purposes of said road, and the said proper authorities are hereby authorized to grant to said company the right to use any highway in the town as aforesaid, on such terms as they may agree upon. Location how determined

Sec. 7. If said company shall not within five years from the passage of this act commence the construction of said road, and shall not within that time construct a single or double track for a distance of five miles, then and in that case, it shall be considered a violation of this charter, and all the rights, privileges and powers of said company under this act may be resumed by the state of Wisconsin, and such disposition made with regard to any portion of said road which may have been constructed, as the legislature thereof may deem meet and proper, consistent with law and justice. Charter how forfeited

Sec. 8. It shall and may be lawful for said company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of said road, doing thereto no unnecessary damage, nor locating any such route through any orchard or garden, without the consent of the owner thereof, nor through any buildings or any fixtures for the purposes of trade or May enter upon lands

manufactures, or any yard or enclosures necessary to the use and enjoyment thereof without permission of the owners; and when said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time, to enter upon, take possession of, and use such lands to the width of four rods; and also to take from any land adjoining said road, gravel, stone, or earth for the purpose of constructing or repairing said road, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter directed and provided in the case of land.

Disputes how settled.

Sec. 9. Whenever it shall be necessary for said company, to enter upon, and occupy, for the purpose of making said road, any land upon which the same may be located, and the owner or owners of said land shall refuse to permit such entry or occupation, and the parties cannot agree upon the compensation to be made for injury that may be done to such land by such entry or occupation, it shall and may be lawful for the parties to appoint three disinterested persons to estimate such damage, who shall take an oath or affirmation fairly and impartially to estimate the same, and who shall reside in the county where the land lies. The expenses incurred by said appraisers shall be defrayed by said company, but if the parties cannot agree upon such person, or if the persons so chosen cannot decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointment, within twenty days after requisition for that purpose upon him made, or if such owner shall be under legal disability, or out of the state, then it shall be lawful for the judge of the circuit court of the county in which such land lies, on application of either party, at the cost and charge of said company, to appoint three disinterested persons of the said county, to view and examine said lands and estimate the injury or damage, if any, in their judgment, will be sustained as aforesaid, by reason of the location and construction of said road, and report the same, under oath or affirmation, to the circuit court of said county, which report being confirmed by said court, judgment shall be entered thereon. The said viewers shall be entitled to two dollars per day, each, for their services, to be paid by said company in all cases where the damages shall be assessed to a greater amount than the sum that may have been tendered by said company for the use of said land, or be paid by the owner or owners in

Judges may appoint appraisers

all cases where the assessed damages shall not be greater than the sum thus tendered: *Provided*, That in case the owner of such land be under any legal disability, the costs of such assessment shall be paid by said company, and it shall be the duty of the appraisers estimating such damages, to take into consideration the advantage that may accrue to the owners of said lands, from the construction of said road: *Provided further*, That either party may appeal to the said court within thirty days after such report may have been filed in the clerk's office, and such appeal shall be tried as other issues arising in said court: *And provided also*, That upon payment of the sum specified in the report of said viewers or appraisers, to the owners of said land, or a deposit of the same, for their benefit, with the clerk of the circuit court of the county in which the land is situated, the said company may immediately take and use the same without waiting the issue of said appeal. Proviso. Proviso.

Sec. 10. The directors of said company may appoint a secretary, treasurer, and such other officers as they may deem necessary, and shall have power to decide the time, and manner and proportions in which stockholders shall pay money due on their respective shares, and forfeit to the use of the company any share or shares held by any person or persons failing to pay any installment so required to be paid, after advertisement of the same for a period not less than sixty days, in a newspaper as herein provided: *Provided*, That no installment called in at any one time shall exceed five dollars per share, and no installment shall be called in by the directors without giving at least thirty day's notice thereof in a newspaper as aforesaid. Directors to appoint officers. Their powers and duties.

Sec. 11. The directors elected as aforesaid, shall issue a certificate to each stockholder for the number of shares he or they shall subscribe for or hold in the said company, signed by the president and countersigned by the secretary, and sealed with the common seal of the company, subject, however, to all payments due and to become due thereon, which stock may be transferable in person or by attorney, executors, administrators, guardians or trustees under such regulations as may be provided in the by-laws of said company. To issue certificates

Sec. 12. At each annual meeting of the stockholders for the purpose of choosing directors, the directors of the preceding year shall exhibit to the meeting a complete statement of the affairs and proceedings of said company, for such year, and special meetings of the stockholders may be called by the directors, or by any number of the Exhibit to be made.

stockholders holding one-fourth in amount of the capital stock of said company on like notice as is required for annual meetings, but no business shall be transacted at such special meeting unless a majority in value of all the stock shall be then and there represented.

May erect toll gates.

Sec. 13. On the completion of said road, or any portion of the track, not less than three miles, the company may erect one or more toll gates upon their road, but not at a less distance than three miles apart, and may demand and receive such tolls as from time to time they may deem reasonable, not exceeding two cents per mile for any vehicle drawn by one or two animals, and one cent for each additional animal; for every horse and rider, or led horse, one cent per mile; for every score of sheep or swine, one cent per mile; and for every score of neat cattle, two cents per mile.

Penalty.

Sec. 14. If any person shall knowingly or wilfully obstruct, break, injure or destroy, the road so constructed by said company or any part thereof, or any work or fixtures attached to, or in use upon the same, belonging to said company, such person or persons so offending shall each of them for every such offence, be liable to a civil suit for the recovery of damages by said company, in any court having competent jurisdiction in the county, and shall also be subject to indictment, and upon conviction for such offence shall be punished by fine and imprisonment, or either, at the discretion of the court.

Property liable or debts.

Sec. 15. The property of every individual which may be invested in said corporation shall be liable to be taken in execution for the payment of his or her debts, in such manner as is or may be provided by law: *Provided*, That all debts due said company from such individuals be first paid.

Proviso.

Debts.

Sec. 16. The debts and liabilities of said corporation shall not exceed in amount, at any one time, fifty per cent. of its capital actually paid in, and if debts and liabilities shall at any time be incurred to a greater amount than by this section is provided for, the directors of said company shall be jointly and severally individually liable for such excess, in addition to their other liabilities in law, provided for in this act.

May increase capital stock.

Sec. 17. The directors of said company may, at any annual or special meeting of the stockholders, with the consent of a majority in amount of the stockholders, provide for an increase of the capital stock of said company to complete said road.

Sec. 18. If said company shall abuse the privileges

hereby granted, the legislature may resume all and singular the rights and privileges vested in said company by this act, and may establish rules and regulations for the government of said company, in relation to said road and the use of the same. Legislature may resume powers

Sec. 19. The said company shall be liable for all injury or damage which any person may sustain in his person or property by reason of the said road being out of repair, or any defect in said road. Liable for damages

Sec. 20. This act may be altered or amended by any future legislature of the state of Wisconsin.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, February 13, 1852.
LEONARD J. FARWELL.
[*Published March* 15, 1852.]

An Act to amend section 24 of an act entitled "An Act to incorporate the Milwaukee and Watertown Rail Road Company," approved March 11, 1851.

Chap. 28

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. Section 24 of an act entitled "An Act to incorporate the Milwaukee and Watertown Rail Road Company," approved March 11, 1851, is amended, so that the same shall read as follows: The said company are hereby authorized and empowered to lay out, extend, and continue the rail road authorized to be constructed by this act, from the village of Watertown, in the county of Jefferson, by the way of the village of Columbus, and Portage City, in the county of Columbia, to Prairie La Crosse, in the county of La Crosse. Whenever said company shall decide to extend said road as aforesaid, they may increase the capital stock to one million five hundred thousand dollars, which shall be subscribed in shares of like amount as the original stock of said company, and for that purpose may re-open their books of subscription, or open new books, for the subscription of such additional stock, and may appoint such agent to attend to the same, as may be deemed necessary for carrying out fully the provisions of this act. Charter amended. May open book

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, February 13, 1852.
LEONARD J. FARWELL.

Chap. 29.

An Act to provide for distraining cattle doing damage.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

May distrain.

SECTION 1. It shall be lawful for the owner or occupant of lands to distrain all beasts doing damage within his enclosure, and when any distress shall be made of any beasts doing damage, the person distraining shall keep such beasts in some secure place other than the public pound until his

Damages to be appraised.

damages shall be appraised, and within twenty-four hours after such distress, unless the same shall be made on Saturday, in which case before the Tuesday morning thereafter, he shall apply to a justice of the peace, who shall appoint three disinterested freeholders of such town to appraise the damages.

SEC. 2. Such freeholders shall thereupon immediately repair to the place and view the damage done, and they

How appraisers o proceed.

may take the evidence of any competent witness of the facts and circumstances necessary to enable them to ascertain the extent of such damage, for which purpose the said freeholders or either of them are hereby authorized to administer an oath to every such witness.

SEC. 3. The said freeholders shall ascertain and certify under their hands the amount of such damage, with their fees for their services, not exceeding one dollar per day;

Compensation r services.

and if any disagreement shall arise touching the sufficiency of any fence around the premises where such damage was done, the said appraisers may examine witnesses in relation thereto, and for that purpose may administer oaths to such witnesses and they shall determine such disagreement, which decision shall be conclusive.

SEC. 4. Within twenty-four hours after the said damages shall be so appraised, unless the amount so ascertained and the fees of the appraisers shall have been paid, the person making such distress shall cause the beasts distrained to be put in the nearest pound in same county if

To put stray n nearest pound.

there be one, and if there be no pound within the county then in some secure inclosure in the county, there to remain until the same be replevied according to law, or sold as hereinafter directed or until the damages so certified, and the fees of the appraisers, and cost of keeping such beasts, be paid; and if said beasts be put in any pound he shall deliver the certificate of the appraisers to the keeper of such pound.

SEC. 5. The pound masters of the several towns or counties of this state shall receive and keep the beasts so delivered to them in the public pound, and unless the same

shall be replevied or discharged according to law within six days, such pound master shall sell such beasts or so many of them as shall be necessary, at public vendue, giving two days notice of such sale by advertisement to be fixed up at such pound, and at three of the most public places within the town where such sale is to be had: *Provided always*, that the pound master or person keeping any such animals shall furnish them with sufficient and appropriate food and take good care of said animals, and shall be paid therefor as part of the fees and costs in such cases. Pound master to sell, &c. Proviso.

Sec. 6. If there shall be no pound within the county, where such beasts are distrained, [and] the said beasts shall be kept in an inclosure other than the public pound; and unless the same shall be discharged in the manner mentioned in the 5th section of this act, within six days from the time of such distraining, such beasts or so many of them as shall be necessary, shall be sold at public vendue, by or under the direction of the sheriff or any constable of the county, after the like notice as is required in the case of constables' sales of goods and chattles taken by execution or attachment: *Provided*, That if the owner or owners of such beasts shall be known to the person distraining, it shall be the duty of the person so distraining, to notify the owner or owners of such beasts, within twenty-four hours after such distraining, if such owner or owners shall reside in the same town; and if such owner or owners shall not reside in the same town, but in the same county, within three days after such distraining. Such notice shall specify the time when, and the place where such beasts were distrained, the number of such beasts, and the amount of damage done, if known. How to proceed when there is no pound. Proviso.

Sec. 7. From the proceeds of such sale, the persons making the same shall retain sufficient to pay the amount of his fees, and the cost of keeping such beasts, and the charges of such sale; and he shall pay to the persons distraining such beasts, the damages so certified, with the fees of the appraiser; and if there be any surplus, the same shall be paid to the owner of such beasts, if known. If no owner appear at the time of sale, or within one week thereafter, and claim such surplus the same shall be paid by the person making such sale to the town treasurer of the town where such sale is made. To retain fees.

Sec. 8. The several town treasurers, to whom any monies may be paid, in pursuance of the 7th section of this act, shall keep the same for one year from the time of such sale, unless the owner of such beasts shall sooner demand Town treasurer to keep surplus.

the same. But if the said moneys shall be so demanded the same shall be paid to the owner of such beasts, the said treasurer deducting therefrom two per cent for his fees.

To pay over to poor fund.

SEC. 9. If the owner of such beasts shall not appear within one year from the time of such sale and demand such surplus money, the said treasurer shall place the same in the treasury of his town, to be expended in support of the poor of such town. Said money to be paid over to the owner thereof, at any time thereafter, on proper proof being produced to the town treasurer.

SEC. 10. This act to take effect on the first day of May next.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, February 13, 1852.
LEONARD J. FARWELL.
[*Published, February* 16, 1852

An Act to vacate the plat of the village of Dunkirk, and the village of Dunkirk Falls in Dane county.

Chap. 30.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Village plat vacated.

SECTION 1. The town plat of the village of Dunkirk which lies on the east half of the north-west quarter of section twenty-eight, town five, range eleven, in Dane county, and also, the town plat of the village of Dunkirk Falls, which lies on sections 28 and 21 in the above said town, range and county, is hereby vacated, and the owners there may possess all the rights and privileges that they would have possessed in relation thereto, had not the same been laid out into village lots.

SEC. 2. This act to take effect from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, February 13, 1852.
LEONARD J. FARWELL.

Chap. 31.

An Act to appriate to C. B. and E. C. Quiner the sum of money therein named.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to E. B. and E. C. Quiner, out of any money in the treasury not otherwise appropriated, the sum of twenty-eight dollars and seventy-five cents, in full, for publishing, by order of the secretary of state, advertisement of delinquent canal land mortgages, and notice of election, in the second judicial circuit in the year 1851.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, February 16, 1852.
LEONARD J. FARWELL.

Chap. 32.

An Act to appropriate to H. A. Wright the sum therein named,

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to H. A. Wright the sum of ten dollars and fifty cents, in full, for advertising in the Prairie du Chien Patriot, the notice issued by the secretary of state relative to receiving sealed proposals for doing the state printing, for the year 1852.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved, February 16, 1852.
LEONARD J. FARWELL.

Chap. 33.

An Act to appropriate to John White the sum therein named.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. That there is hereby appropriated to John White ten hundred and fifty-five dollars and ninety-eight cents, in full for keeping of state prisoners to January 1st, 1852, to wit: David Bonham, John Myers, Seth Rogers, Joseph Conrad, Beltaser Conrad, Frederick Thuerman, Peter Duffy, Augustus C. Lawson, Patrick Maroney, and furnishing the same with medicines, clothing, and fuel, and for the

board of night watchers, to be paid out of any funds in the state treasury not otherwise appropriated.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved, February 16, 1852.
LEONARD J. FARWELL.

Chap. 34. An Act to organize the county of Waushara for judicial purposes.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

When organized. SECTION 1. From and after the first day of March next the county of Waushara shall be fully organized for judicial purposes, and shall enjoy all the rights and privileges appertaining to other counties so organized in this state.

Made part of third circuit. SEC. 2. Said county of Waushara shall be, and is hereby constituted a part of the third judicial circuit; and two terms of the circuit court shall be holden annually in said county, at the county seat thereof, to wit: on the first Monday of April, and the second Monday of October annually. There shall be four terms of the county court annually in said county, to wit: on the first Mondays in April, July, October, and January.

How writs returnable. SEC. 3. All writs shall issue and be made returnable as required by law in other counties; and all laws now in force, applicable to the summoning and empanneling of jurors shall be applicable to, and in force in the said county of Waushara.

SEC. 4. This act to be in force from and after the first day of March, 1852.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved, February 16, 1852.
LEONARD J. FARWELL.
[*Published, February* 17, 1852.]

Chap. 35. An Act to enable the Racine and Raymond Plank Road Company to erect one toll-ga

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. The Racine and Raymond Plank Roa

ompany are hereby authorized to erect one toll gate up- May erect toll gate.
i that part of their road already constructed, and to de-
and and receive the same rates of toll specified in section
enty-seven, of chapter fifty, of the revised statutes; said
lls to be pledged to the completion of said road.

Sec. 2. This act shall take effect immediately.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem of the Senate.

Approved, February 16, 1852.

LEONARD J. FARWELL.

An Act to authorise the city of Racine to aid in the construction of certain plank roads.

Chap 36.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. The mayor and city council, of the city of Racine, are hereby authorized to borrow, upon the credit of Authorized to borrow.
said city, thirty thousand dollars or less, for ten years, in such sums as they may deem proper, on interest not exceeding ten per cent., payable annually, for the purpose of investing the same in the capital stock of certain plank road companies; to be distributed as follows, to wit: twenty thousand dollars to a company to be organized to construct a plank road from the city of Racine to the village of Wilmot, in the county of Kenosha; six thousand dollars to the Racine and Raymond Plank Road Company, already organized, and four thousand dollars to a company to be formed to construct a plank road from the city of Racine, in a northern direction to the county line. Or in case How distributed
said money, or any part of it should not be so borrowed, to subscribe for so many shares of said capital stock in said plank road companies in the proportion above named, that the amount of the same, at their par value, together with the money borrowed, shall not exceed thirty thousand dollars, and to pay for the same in the bonds of said city, payable in ten years, as above stated: *Provided*. Said six thousand dollars shall not be subscribed to the Racine and Raymond Plank Road Company, or bonds issued therefor, until there shall be actually, and in good faith, subscribed and properly secured, to the capital stock of said company, the sum of fourteen thousand dollars; and said four thousand dollars shall not be so subscribed, or bonds issued therefor, until said proposed company is fully organized, and the sum of eight thousand dollars ac- Proviso.

Proviso. tually, and in good faith, subscribed to the capital stock thereof, and properly secured: *And Provided further*, That said bonds shall not be negotiated at less than par.

Agent to be selected to cast vote of city.

SEC. 2. The mayor and city council of said city shall annually select a suitable person who shall attend the annual meeting of the stockholders of said corporations, for the election of directors thereof, who shall be entitled to cast one vote for every share of stock which said city shall hold in said companies respectively,

Stock pledged.

SEC. 3. The shares of stock in said plank road companies thus taken by said city, and all dividends arising from the same, are hereby pledged for the payment of the interest and principal of the bonds authorized to be issued by the first section of this act: *Provided however*, that the

Proviso

mayor and city council may sell such shares at par or more, but the proceeds thereof and interest shall still be pledged to pay the interest and principal on said bonds.

Tax to be levied.

SEC. 4. The mayor and city council of said city shall annually levy a tax upon the taxable property of said city, sufficient to pay the interest on such bonds, after deducting the dividends due to said city on said shares; and in the year one thousand eight hundred and sixty-two, shall levy an additional tax sufficient to pay the principal of said bonds, unless said principal shall be sooner discharged by sale of said stock, or otherwise.

When money to be borrowed

SEC. 5. No money shall be borrowed, or bonds issued in pursuance of the provisions of this act, until a majority of the legal voters of said city, voting upon said question shall vote in favor of the same, at any election called by the mayor and city council for that purpose. At such election, those voting in favor shall vote a ballot with the words inscribed thereon, "For the plank roads," and those voting against, will vote a ballot with the words "Against the plank roads." One week's previous notice of said election shall be given, in at least two newspapers printed in said city.

SEC. 6. This act shall take effect immediately.

J. McM. SHAFTER.
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved, February 16, 1852,
LEONARD J. FARWELL.

[*Published March* 20, 1852

An Act to declare the county seat of Richland County. **Chap. 37.**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

County seat located.

Section 1. The village of Richland Centre is hereby declared to be the permanent seat of justice of the county of Richland, and it shall be the duty of the board of supervisors of Richland county at their first session after the passage of this act, to locate the county buildings in such part of said village of Richland Centre as they may deem most conducive to the best interests of the said county of Richland.

Supervisors to provide for erecting county buildings.

Sec. 2. At the same meeting of the board of supervisors they shall take such measures as they may deem proper, to raise the necessary funds for the erection of county buildings, which funds, when so raised, shall be applied with all convenient dispatch to that purpose.

Sec. 3. This act shall take effect and be in force from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, February 17, 1852.
LEONARD J. FARWELL.
(*Published, February* 18, 1852.)

An Act to appropriate to Daniel Noble Johnson the sum therein named. **Chap. 38.**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to Daniel Noble Johnson, to be paid out of any moneys in the state treasury not otherwise appropriated, the sum of twenty-eight dollars, the same being in full for services in the office of secretary of state, employed in pursuance of the provisions of an act of the Legislature, approved, March 17, 1851.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, February 18, 1852.
LEONARD J. FARWELL.

Chap. 39.

An Act to permanently locate the county seat of Outagamie County.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

County seat located.

SECTION 1. That the county seat of Outagamie county be and the same is hereby permanently located upon lands conveyed to the county for the purpose of erecting county buildings thereon, and upon which lands said buildings are now being erected by order of the board of supervisors of said county.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, February 18, 1852.
LEONARD J. FARWELL.

[*Published, February* 25, 1852.]

Chap. 40.

An Act to incorporate Whitewater Academy.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Created a body corporate.

SECTION 1. Prosper Cravath, P. H. Brady, G. G. Williams, J. L. Pratt, Willard Stebbins, and their associates and successors, are hereby declared and constituted a body corporate, by the name and style of "Whitewater Academy," to be located in the village of Whitewater, and county of Walworth, for the purpose of educating youth of both sexes.

Powers.

SEC. 2. Said corporation shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity; it shall have a common seal and may alter or renew the same at pleasure; shall have power to acquire, purchase, receive, possess, hold, and enjoy property, personal and real, and to sell, convey, rent, or otherwise lawfully dispose of the same at pleasure.

Stock to be divided into shares.

SEC. 3. The stock of said corporation shall be divided into shares of ten dollars each, which shall be deemed personal property, and shall be transferable on the books of the corporation, in such manner as shall be prescribed by its by-laws.

Business managed by board of directors.

SEC. 4. The business matters of said corporation shall be managed by a board of eleven trustees, a majority of whom shall constitute a quorum. Said trustees shall be elected on the first Monday of March next, at 7 o'clock P. M., at a meeting of the stockholders to be holden in the

academy rooms in the village of Whitewater, and shall hold their offices for the term of one year, and until their successors are duly elected. Each stockholder shall be entitled to one vote for the first share by him owned, and one vote for the next two shares, and one vote for every three shares thereafter. After the first election there shall be an annual meeting of the stockholders for the election of trustees, on the first Monday of March, at such place in said village as shall be designated by the trustees. Annual meeting.

Sec. 5. The trustees shall have power to elect a president, secretary, and treasurer from their number, to fill vacancies in the board of trustees, to sell, lease, mortgage, or otherwise to dispose of any real or personal property of said corporation, in such manner as they shall deem most conducive to the interests of said academy, and to erect and keep in repair all necessary buildings for the use of the same, to prescribe and direct the course of study and discipline to be observed in said academy, and to make all rules, regulations, and by-laws, necessary to carry into effect the powers herein granted, and not inconsistent with the constitution and laws of this state. To elect officers. May erect buildings.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, February 18, 1852.
LEONARD J. FARWELL.

[*Published, March* 23, 1852.]

An Act to incorporate the Troy Academy.

Chap. 41.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. Hiram Medbury, Elias Hibbard, Isaiah W. Hibbard, Samuel Fowler, Daniel Hooper, George Hibbard, Augustus Smith, Chapman Craft, Garrett Winne, Hiram Brewster, and their associates, and such persons as may hereafter be associated with them, are hereby created a body corporate with perpetual succession, to be styled and designated the "Troy Academy," by which name they and their successors shall be known, and shall have power and be subject to sue and be sued, to contract and be contracted with, plead and be impleaded, in all courts of law or equity, and may acquire, purchase, receive, possess, hold, and enjoy property, real, personal, and mixed, and sell, convey, rent, or otherwise lawfully dispose of the same. Created a body corporate. Power &c

Seal. SEC. 2. The said corporation may have a common se which they may alter or renew at pleasure.

SEC. 3. Any six of the above named persons may ca a meeting of said association for the purpose of organizin,

How organized, by publishing a notice of the time, place, and objects such meeting, for two successive weeks, in the Weste Star, and by posting up copies of such notice in three publ places in the town of Troy, in the county of Walworth, which town said meeting shall be held and said incorpor tion be located.

SEC. 4. At the first, or any subsequent legally notifie meeting, the said persons above named and their associate

May elect trustees. if a majority of them are present, shall have power to ele so many trustees and such officers as they may determi upon.

SEC. 5. The purpose of this incorporation is to provi

Object of corporation. for the education, mental and moral discipline, and instru tion in literature, science and arts, of students in the sa academy; and the said incorporation may make such rule regulations, and by-laws, and vest in the said trustees ar their successors, such powers as they may deem necessa to effect the said purposes, and which shall not be inconsi tent therewith, or with law.

SEC. 6. This act may be amended or repealed by thi or any future legislature.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved February 18, 1852.
LEONARD J. FARWELL.
(*Published, March* 24, 1852.)

Chap. 42.

An Act to appropriate to John A. Brown the sum therein named.

The people of the State of Wisconsin, represented Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to John Brown, the sum of eight dollars, in full for publishing in t Badger State the proposals for public printing issued the secretary of state, in the year 1851.

J. McM. SHAFTER.
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved February 18, 1852.
LEONARD J. FARWELL.

Chap. 43.

An act to incorporate the Milwaukee Mechanics' Mutual Insurance Company.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Created a body corporate.

SECTION 1. Isaac Neustadtl, William Reinhard, Frederick Schlœmilch, Valentin Schrank, Charles Rau, Francis Hoffmann, Ernst Prieger, and their associates, and all such persons as shall hereafter have property insured by the said company, shall be, and hereby are ordained, constituted, and declared to be a body corporate and politic in fact and in name, by the name of "The Milwaukee Mechanics' Mutual Insurance Company."

May make insurances, &c.

SEC. 2. The said corporation hereby created shall have power and authority to make contracts of insurance with any person or persons, or any body corporate or politic, against losses by fire of any houses, stores, or other buildings whatsoever, for such term or terms of time and for such premium or consideration, and under such modifications and restrictions as may be agreed upon between the said corporation and the person or persons agreeing with them for such insurance.

Who to be members.

SEC. 3. Every person who shall at any time become interested in said company by insuring therein, and also his heirs, executors, administrators. and assigns continuing to be insured therein as hereinafter mentioned, shall be deemed and taken to be members thereof, for and during the terms specified in their respective policies and no longer, and shall at all times be concluded and bound by the provisions of this act, and the property and concerns of said corporation shall be managed and conducted by a board of eight directors; and that Isaac Neustadtl, William Reinhard, Frederick Schlœmilch, Valentin Schrank, Charles Rau, Francis Hoffman, Ernst Prieger, and William Schroeder, shall be the first directors of said corporation until others are chosen, and no longer. The directors shall be elected on the first Monday of October in each year, at such hour of the day at the city of Milwaukee in the county of Milwaukee and state of Wisconsin, and in such manner as the above named board of directors, after the passage of this act, shall direct, of which election public notice shall be given in one or more of the public newspapers printed in Milwaukee at least thirty days preceding such election, and such election shall be holden under the inspection of three members not being directors, to be appointed previous to every election, by the board of directors, and such election shall be made by ballot and by a plurality of the

Notice given.

votes of the members then present, allowing one v
each member which shall be insured in said company

Sec. 4. The directors hereinbefore named shall, as

To choose president.

as may be after the passing of this act, and the dir
to be chosen at the elections to come shall, as soon as
be thereafter, proceed to choose out of their body on
son to be president; and in the case of the death, re
tion, or inability to serve, of the president or any di

How vacancy to be filled,

of said corporation, such vacancy may be filled for t
mainder of his term, by the board of directors; and i
of the absence of the president, the board of directors
have power to appoint a president *pro tem.* who shall
and exercise such powers and functions as the by-la
the said corporation may provide.

Sec. 5. If it shall at any time happen that an el
of directors shall not be made on any day, when pur

Failure to elect directors on particular day not to dissolve corporation.

to this act it ought to have been made, the said corpo
shall not for that cause be deemed to be dissolved,
shall be lawful on any other day to hold and make an
tion of directors in such manner as shall have been
lated by the by-laws and ordinances of said corporati

Sec. 6. The policies of insurance and other con
founded thereon, hereafter to be made or entered in
said corporation, though not under seal, if subscrib
the President, or in case of his absence, resignation,
ability to act, by such officer or officers, or person

Acts to be binding on company

sons as may be for that purpose authorized by the
incorporation or by-laws of said corporation, and co
signed by the secretary, shall be binding and oblig
upon the said corporation and shall have the like forc
effect to all intents and purposes, as if the seal of sai
poration had been or was affixed thereto. And fu
all such policies and contracts may be so signed a
tested, and all other business of said corporation m
conducted and carried on by committees or othe
without the presence of the board of directors, and
be binding and obligatory on the said corporation,
same be done under or in conformity to the by-law
ordinances of said corporation.

Sec. 7. In case any person or persons insured, n
in any policy or contract of insurance made by said
ration hereby created shall sell or convey or assig

Insured may assign policy.

property insured, during the time for which it is in
it shall be lawful for such insured to assign and deli
the purchaser or purchasers such policy or contract
surance, and such assignee or assignees shall have
benefit of such policy or contract of insurance, an

g and maintain a suit thereon in his, her, or their names: *Provided*, That before any loss happens, he, or they shall obtain the consent in writing of said corion, to such assignment, and have the same endorsed nexed to the said policy of insurance. Proviso.

c. 8. It shall and may be lawful for said corporation le and hold any real estate, *bona fide* mortgaged to corporation by way of security for the payment of any h which may be contracted with the said corporation o proceed on the said mortgaged securities for the re- y of the moneys thereby secured, either in law or y, in the same manner as any other mortgagee is or be authorized to do, and also to purchase on sales made irtue of any proceding at law or any decree or order of court of equity, or any other legal proceedings, or oth- e receive and take any real estate in payment of, or rds the satisfaction of any debt previously contracted due to the said corporation, and to hold the same until can conveniently and advantageously sell and convert ame into money or other personal property. May hold real estate.

c. 9. The said directors and such others as may be n by the said corporation shall be indemnified and l harmless by the members of said corporation, in pro- on to the amounts of property that each and every ber may have insured at and after the rates of insur- of such property by the said corporation, in and for giving out and signing policies of insurance and other l acts, deeds, and transactions, done and performed in ance of this act; and neither of the said directors shall swerable for or charged with the faults, neglects, or eeds of others of them. How directors to be indemnified.

c. 10. Every member of said company shall be and is y bound to pay his proportion of the losses and ex- s accruing in and to said company, and all buildings ed by said company, together with the right, title, and st of the insured to the lands on which they stand, be, and hereby are pledged to the said company, and mpany shall have a lien thereon against the insured g the continuance of his, her, or their policy, to the nt of the premium note deposited with said company o more; the lien to take effect whenever the said com- shall cause to be filed in the office of the register of of the county where the property is insured, a mem- dum of the name of the individual insured, and a de- tion of the property; the lien in no case to exceed one red dollars. Property pledged to company.

c. 11. Whenever any assessment is made on any pre-

mium note given to the said company for any hazard ta
by said company, or as consideration for any insurance
sued by said company, and an action is brought for the
Certificate to be prima facie evidence. covery of such assessment, the certificate of the secret
of said company specifying such assessment and the amo
due to said company on such note by means thereof, s
be taken and received as *prima facie* evidence thereof
all courts and places whatsoever.

SEC. 12. Any person, who, as secretary, deputy se
tary, or clerk, of said company shall be guilty of any
signed falsehood or fraud in the certificate authorized
the eleventh section of this act, shall be guilty of a mi
Misdemeanor. meanor; any person who shall personate or falsely
the name of said secretary, deputy, or clerk, to any
certificate, shall be guilty of a misdemeanor; any pe
who shall fraudulently vote at any election of directo
said company, shall be guilty of a misdemeanor.

SEC. 13. Any person convicted of a misdemeano
Punishment. any offence under this act, shall be sentenced to impri
ment in the county jail not exceeding six months, or to
a fine not exceeding fifty dollars, or to both; such fine
imprisonment at the discretion of the court before whic
or she may be convicted.

SEC. 14. The president and directors of said com
shall have power to appoint such officers and agent
they may deem necessary; prescribe their duties and
Powers of president and directors. quire bonds for the faithful performance thereof, and
from time to time adopt such by-laws and regulation
the business of said company as a general meeting of
insured, called for that purpose, shall approve of, such
laws and regulations not to be inconsistent with the c
tution and laws of the United States or of this state,
such by-laws shall prescribe as near as practicable the
of insurance on the different classes of property, and
Where business to be done. sums to be deposited for any insurance.

SEC. 15. The operations and business of the Mil
kee Mechanics' Mutual Insurance Company shall be ca
on in the city of Milwaukee, state of Wisconsin, and
act shall take effect from and after its passage. The
lature of this state may at any time alter, modify, or r
this act.

J. McM. SHAFTER,
Speaker of the Assemb
E. B. DEAN, JR.
President pro tem. of the Sen

Approved February 18, 1852.
LEONARD J. FARWELL.

[*Published March* 22, 1

An Act to appropriate to A. D. and J. La Due a certain sum of money therein named. Chap. 44.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to A. D. and J. La Due, out of any money in the treasury not otherwise appropriated, the sum of twelve dollars, in full for publishing in the Sheboygan Democrat, notice of the Secretary of State, for proposal for public printing, for 1852.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, February 18, 1852.

LEONARD J. FARWELL.

An Act to incorporate the Beloit and Madison Rail Road Company.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows: Chap. 45.

Section 1. That Chauncey Abbott, Levi B. Vilas, William C. Wells, Ezra L. Varney, William H. Fox, F. G. Ribbits, John M. Keep, Hazen Cheney, George B. Sanderson, William P. Goodhue, Benjamin Durham, Lucius G. Fisher, P. C. Manchester, John Mitchell, John P. Dickinson, Volney Atwood, Charles Stevens, J. D. Ruggles, Elisha Burdick, and B. F. Pixley be, and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Beloit and Madison Rail Road Company hereby incorporated, and they may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days' notice of such times and places, by publishing the same in one newspaper published in Madison, one in the village of Janesville, and one in the village of Beloit. Commissioners. May receive subscriptions, &c.

Sec. 2. The capital stock of said company shall be twelve hundred thousand dollars, in shares of fifty dollars each; and as soon as four hundred shares of stock shall be subscribed, and five dollars on each share actually paid in, the subscribers of such stock, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be, and they are hereby declared and created a body corporate and politic, by the name and style of the "Beloit and Madison Rail Road Company," with perpetu- Capital stock.

al succession, and by that name shall have all the privileges, franchises, and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing, and conveying estate, real, personal, or mixed, so far as the same may be necessary for the purposes hereinafter mentioned; and in their corporate name may sue and be sued, plead and be impleaded, may have a common seal, and may alter the same at pleasure, and generally may do all and singular the matters and things which to them it shall lawfully appertain to do, for the well being of said corporation.

Powers.

Sec. 3. The said commissioners, or a majority of them, after the said four hundred shares of such stock shall have been subscribed as aforesaid, shall give at least thirty days' notice in the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers or stockholders to meet, for the purpose of electing thirteen directors; and annually thereafter, the said stockholders shall meet on the third Wednesday of January, for the purpose of electing directors as aforesaid, upon a like previous notice to be given as aforesaid; *Provided*, That previous to the first election, the commissioners hereinbefore named shall elect one of their number president, and they shall perform all the duties and be invested with all the powers of directors, *And provided*, That if, from any cause, an election shall not be held at the regular time specified therefor, the same may be held at any other time, on notice as aforesaid, that until such election the directors of the preceding year shall continue to act, and that this charter shall not be avoided by reason of the irregularity or want of such election, *And provided also*, that in case of vacancy from the death, removal, or resignation of any director, his place may be filled by a majority of the board of directors.

To elect directors.

Proviso

Proviso.

Proviso.

Sec. 4. The affairs of said corporation shall be managed by a board of thirteen directors, who shall be chosen annually by ballot, on the days herein before prescribed, by the stockholders of the said company, the votes to be delivered in person or by proxy duly authorized, which directors shall appoint one of their own number to be president, and shall respectively serve for one year, or until other directors are elected; they shall have power to make and establish such by-laws, rules, and regulations, not inconsistent with the constitution and laws of this state, as may be necessary for the well ordering the affairs of said company.

Directors to elect president.

Sec. 5. None but stockholders shall be elected directors, and at every election, and in all cases where stock-

holders shall be called upon to vote, each share of stock shall be entitled to one vote, and in all cases of elections of directors, the thirteen stockholders, having the highest number of votes shall be declared elected. How directors elected.

Sec. 6. The said directors shall meet at such times and places, and be convened in such manner as they may hereafter decide upon. A majority of said directors shall be a quorum for the transaction of business, who, in the absence of the president, shall appoint a president, pro tem. The said directors shall appoint a secretary, treasurer, and such engineers and other officers as they may find necessary; and they shall have full power to fix the compensation of all officers or agents, and may demand adequate security for the performance of their respective trusts; they shall decide the time and manner and proportions in which the said stockholders shall pay the money due on their respective shares, and forfeit to the use of the company the share or shares of every person or persons failing to pay any installment so required, at a reasonable period, not less than sixty days after the time by them appointed for the payment thereof; they shall have full powers to regulate tolls, to make such covenants, contracts, and agreements, with any person, co-partnership, or body politic whatsoever, as the construction and management of the works and the convenience and interest of the company may require, and in general to superintend and direct all the operations, receipts, disbursements, and other proceedings of the company: *Provided*, That no installment called in at any one time shall exceed two dollars and fifty cents per share, and that no installment shall be called for by the directors without at least thirty days' notice thereof in the newspapers herein before named. When to meet, &c. To appoint officers. Proviso.

Sec. 7. The directors, chosen as aforesaid, shall issue a certificate to each stockholder, for the number of shares he or she may subscribe for or hold in said corporation, signed by the president and countersigned by the secretary, and sealed with the common seal, subject, however, to all payments due, or to become due thereon, which stock shall be transferable in person, or by attorney, executors, administrators, guardians, or trustees, under such regulations as may be provided for in the by-laws of said company. Directors to issue certificate.

Sec. 8. At each annual meeting of the stockholders for the purpose of electing directors, the directors of the preceding year shall exhibit to them a complete statement of the affairs and doings of the company for such year; and special meetings of the stockholders may be called by order of the directors, or by stockholders holding To exhibit statement.

one-fourth of the capital stock, on like notice as that required for annual meetings, specifying, moreover, the object of such meeting. But no business shall be transacted at such special meeting unless a majority in value of the stockholders shall attend in person or by proxy.

Route of road.

SEC. 9. The said company shall have power to locate and construct a single or double track rail road from the village of Beloit, in the county of Rock, via Janesville, to the village of Madison, in the county of Dane; and shall have power to transport, take, and carry property and persons upon the same, by power and force of steam, of animals, or of any mechanical, or other power, or by any combination of them, and they shall also have power to, make, conduct, and erect all such side tracks, turn-outs and connecting tracks, and also, all such ware houses, toll houses, machine shops, carriages, cars, and other works and appendages, as may be necessary for the convenience of the company for the use of the said rail road, and also to connect said rail road and operate the same with other rail roads and branch rail roads in the state of Wisconsin; and to consolidate the capital stock of the said company with the capital stock of any rail road company with which the road of the said company shall intersect, and shall have full power to place the road of this company, and its capital stock, so consolidated, under the direction of a joint board of directors, to be chosen on such terms as the directors of the said companies so consolidated shall agree upon.

May consolidate capital stock.

May enter upon lands

SEC. 10. It shall be lawful for said company, their officers, engineers, and agents, to enter upon any land for the purpose of exploring, surveying, and locating the route of said road, doing thereto no unnecessary damage; and when the said route shall be determined by the said company, it shall be lawful for them, their agents, officers, engineers, contractors, and servants, at any time, to enter upon, take possession of, and use such lands, not exceeding one hundred feet in width, along the line of said road, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or such as shall be ascertained in the manner hereinafter directed and provided in such cases respectively; and said company are further authorized, by their officers, engineers, agents, and servants, to enter upon lands adjacent to the rail road, beyond the limits of one hundred feet, in the manner provided in this act, when necessary for the purpose of erecting depot buildings, station houses, and necessary fixtures, for the operation and for the business of said road, and for the

purpose of making drains, and giving a proper direction to water courses across or along said road, when the same are necessary, beyond the limits of said road, and to remove all substances and things which might endanger, obstruct, or inerfere with the free use of said road, and to deposit earth, gravel, and stone taken from cuts, and to obtain earth, gravel, stone, and other materials for embankments and structures necessary to the construction and repairs of said road, doing, however, no unnecessary damage; and all lands so acquired, and all damage which shall be done to any lands or property, under the provisions of this section, shall be ascertained and paid for in the manner and agreeably to the provision hereinafter provided. And when such damages shall have been paid for or tendered, the title of the land occupied by such fixtures, excavations and embankments, shall vest in said company, for the purpose of keeping up and maintaining a rail road.

Disputes how settled.

Sec. 11. When the said corporation cannot agree with the owner or owners of such required land, for the purchase thereof, or as to the compensation to be [paid] therefor, or when, by reason of the legal incapacity, or absence of any such owner or owners, no such agreement or purchase can be made, then, and in that case, it shall be lawful for the judge of the circuit court of the county in which such lands are situated, on application of either party, and at the cost and charge of said company, to appoint three disinterested persons residing in said county, whose duty it shall be to view and examine, or survey said lands, with the buildings and improvements, if any thereon, and to estimate the value of the land so taken or required by the said company, and all damages which the owner or owners thereof shall sustain, or may have sustained, by reason of the taking of the same for the construction and use of said road or works appertaining thereto, taking into consideration the advantages as well as the disadvantages of the same to the said owner or owners; and the persons so appointed, before entering upon the discharge of such duties, shall take an oath before some justice of the peace or other person competent by law to administer oaths, faithfully and according to the best of their abilities, to examine the land so taken or required by said company, and impartially to estimate and appraise the value of the same, and the damage or injury which the owner or owners thereof shall have sustained or may sustain by reason of the taking and using thereof by the said company, over and above the benefits and advantages which such owner or owners shall derive from the construction of such rail

road, whereupon such commissioners shall proceed to examine the premises and estimate the value of such land, and the amount of damages, if any, over and above the benefits and advantages which may accrue to such owner or owners, as aforesaid, and shall make a report in writing, of such valuation, under their hands and seals, to the said judge, and shall return the same within thirty days after their appointment, to the clerk of the circuit court of the county in which they reside; and it shall be the duty of the said clerk to file the same, and in case no appeal shall be made within thirty days after the filing of said reports as hereinafter provided, then the said clerk shall record the same, at the expense of the said company, and judgment of the said court shall be entered thereon, on motion of either party, at any term of said court: *Provided*, That either party may appeal to said court within thirty days after said report shall have been filed in the clerk's office, and such appeal shall be tried in the same manner as other issues are tried in said court, and the jury empannelled to try the same, shall find the value of the land so taken or required by said company, and the damages which the owner or owners thereof shall have sustained, or may sustain by the taking of the same, over and above the benefits which will accrue to such owner or owners from the construction of such rail road, and judgment of court shall be entered accordingly: *Provided also*, That it shall not be lawful for the said commissioners, or said court, to proceed in the assessment of damages, or in the valuation of any lands or materials as aforesaid, in the absence of the owner or owners thereof, his her, or their agents or attorneys, unless it shall be shown to them by competent testimony, that the said owner or owners have had at least five days' notice of the time and place at which such assessment or valuation was to be made, or that the said owner or owners are absent from the state of Wisconsin. And if the said owner or owners shall be minors, or *non compos mentis*, or absent from the state, the service of notice may be made on the guardian or trustee, if there be any, or in such manner as the court may direct: *Provided also*, That, upon the making and filing of any report, as aforesaid, and payment or legal tender of the amount of any valuation or appraisal specified therein, to the owner or owners of any such lands, his, her, or their legal representatives, the said company, their agents, or the contractors for making or repairing said rail road, may immediately take and use the same without awaiting the issue of any appeal brought thereon.

Proviso.

Proviso.

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Sec. 12. Whenever any judgment shall have been en-

tered as hereinbefore provided, for the value of any lands, or for any damages for the taking and using of the same, and the amount specified in such judgment shall have been paid or tendered to the owner or owners of such lands, his her, or their legal representatives, the said company shall be entitled to the estate and interest in the same, as fully as if it had been conveyed in fee simple; and if such valuation be not received when tendered, it may, at any time thereafter, be received or may be collected from said company, by action at law, at the cost and expense of the person or persons entitled to the same: *Provided*, That the cost of any proceedings and judgment specified in the last preceding section shall be taxed by the court, and paid by said company, except in cases where, upon appeal, the verdict of the jury shall be for the same or a less sum than that reported by the said commissioners.

When company entitled to estate in dispute.

Proviso.

Sec. 13. In case there shall be incumbrances upon the land taken, as herein before provided, it shall be sufficient for the said company to deposit the amount of damages assessed, as hereinbefore provided, with the clerk of the circuit court of the county in which the land lies, to be paid over by the clerk to the owner of said land or his lawfully authorized agent, upon the removal of said incumbrances.

When lands encumbered how damages to be paid

Sec. 14. The said rail road shall be so constructed as not to impede or obstruct the free use and passage of any public road or roads which may cross the same, and in all places where such rail road may cross, or in any way interfere with any public road, it shall be the duty of said company to make or cause to be made a sufficient causeway or passage way, to enable all persons traveling such public road to pass over or under such rail road without inconvenience: *Provided*; That in cases where said rail road may cross or come in contact with any public or private road, so as to occupy any part of such road, it shall be lawful for said company to construct said rail road across or upon such road, after altering and putting the same in as good condition as before; and for that purpose, the said company shall, previous to occupying any part of such road, construct a new road, in part or in whole, as may be necessary, on ground adjacent to such road, and in every respect complete, such newly constructed road or part of a road so interfered with, as substantially as it was previous to the disturbance and occupancy thereof by said company.

Not to obstruct public roads,

Proviso.

Sec. 15. For the convenience of persons owning or possessing lands through which said rail road shall pass, it shall be the duty of said company, when required, to make a good and sufficient passage over or under said rail road,

To make passage way

whenever the same may be necessary, to enable the occupants of said lands to pass over or under the same, with wagons, carts, and implements of husbandry, as occasion may require: *Provided*, That said company shall in no case be required to make more than one such passage-way for each farm, and when any public road shall cross said rail road in any farm, the person owning or possessing such farm shall not be entitled to require said company to make any additional causeway. And the said company shall, before opening the said road, through enclosed grounds, if requested by the owner thereof, erect such fencing as will preserve such enclosure entire; and shall, before they commence to use said road as a rail road, erect a good and sufficient fence on both sides of said road, through all such enclosed grounds, and shall maintain the same.

Proviso.

When to make dividends.

Sec. 16. So soon as the net profit accruing and received from the use of said road or part thereof, according to the provisions of this act, shall exceed six per cent. upon the amount of said capital stock paid in, the directors of said company shall make a division of such net profit among the stockholders, in proportion to their respective shares.

Sec. 17. Any person who shall wilfully and maliciously place any obstruction or thing upon the track of said road, or shall remove or damage any part thereof, in such a manner that the engine or cars may be impeded or thrown off the track, shall be guilty of a misdemeanor, whether such result shall happen or not, and shall be punished for every such offence by imprisonment in the state prison for a term of not less than one nor more than five years, at the discretion of the court; and in case any damage shall result from the placing such obstruction or injury to said road, said party shall be liable to pay all such damage to said company, and to any other person damaged or injured thereby; and in case any accident shall happen in consequence of placing such obstruction, or in consequence of breaking or injuring said road, whereby death may be produced, the party so offending shall be adjudged guilty of murder in the first degree, and shall be punished agreeably to the law in such cases made and provided.

Penalty for obstructing road.

May borrow money,

Sec. 18. The said rail road company are hereby authorized and fully empowered, in their corporate name and capacity, to borrow any sum or sums of money from any person or persons, corporations, or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company, and any person or party of whom such money may be obtained, and make and execute, in their corporate name, all necessary writings,

notes, drafts, bonds, or other papers, and make, execute, and deliver such securities in amount and kind, as may be deemed expedient by said corporation, any law on the subject of usury in this state or any other state where such contract may be made, to the contrary notwithstanding; and the powers of said corporation, for the purposes aforesaid, and for all purposes necessary to carrying out the object of said company, namely: the construction of a rail road from Beloit, in the county of Rock, to Madison in the county of Dane; and the contracts, and official acts of said company, are hereby declared binding in law and equity, upon said corporation, and all other parties to said contracts.

May purchase lands adjacent to track.

Sec. 19. This act shall be in force from and after its passage; and it shall be lawful for said company to purchase lands adjoining or adjacent to said rail road, for the purpose of procuring earth, gravel, stone, or other materials for the construction and repair of said road or buildings and fixtures connected therewith; and whenever such lands shall no longer be needed for the purposes aforesaid, the said company are hereby authorized to sell and convey the same.

How act construed

Sec. 20. This act shall be construed favorably to effect the purposes hereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the State of Wisconsin shall be received as evidence thereof.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, February 18, 1852.
LEONARD J. FARWELL.
[*Published, March* 13, 1852.]

An Act to establish Columbus Academy.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Chap. 46.

Section 1. A. G. Cook, H. S. Haskell, George Griswold, Wm. W. Drake, F. F. Farnham, D. F. Newcomb, William E. Ledyard, and R. W. Earll and their associates, together with such other persons as may hereafter be associated with them, be and are hereby created a body corporate and politic, with perpetual succession, to be styled by the name and title of the Columbus Academy,

Created body corporate

by which name they and their successors shall be ever known, and shall have power to sue and be sued, to contract and be contracted with, plead and be impleaded, defend and be defended, in all courts of law and equity. Said corporation shall have a common seal, and shall have power to acquire, purchase, receive, possess, hold and enjoy property, real and personal, and to sell and convey the same, rent, or otherwise lawfully dispose of at pleasure.

How stock divided.

Sec. 2. The stock of said company shall be divided into shares of ten dollars each, which shall be deemed personal property, and shall be transferable on the books of said corporation, in such manner as shall be directed by the by-laws of said corporation.

May call meeting.

Sec. 3. Any three of the above named persons shall have power to call a meeting of said association, by giving ten days' notice thereof, by posting up notices in at least three public places in the said village of Columbus, where said corporation is hereby located.

May elect trustees.

Sec. 4. At the first legally notified meeting, the stockholders shall have power to elect by ballot nine trustees, three of whom shall be elected for one year, and three for two years, and three for three years; and after the first election, the three trustees may be elected by the stockholders annually: *Provided always*, That all trustees shall hold their offices until others are elected in their place.

Each share of stock entitled to one vote.

Sec. 5. At all elections and meetings of the company, each stockholder shall be entitled to one vote for each share of stock owned by him.

Powers and duties of trustees.

Sec. 6. The trustees shall have power first to elect from their number a president, secretary, and treasurer, also, to elect all other subordinate officers of the corporation; second, to call special meetings of the stockholders to fill vacancies in the board of trustees; third, to sell, lease, mortgage, or otherwise dispose of any real or personal property of said corporation, in such manner as shall be directed by the stockholders; also, to erect and keep in repair all necessary buildings, for the use of said corporation; fourth, to employ suitable teachers and prescribe and direct the course of study and discipline to be observed in said academy; fifth, to prescribe the duties and fix the salaries of all the officers of said corporation, and to remove and suspend them from office for incapacity, immoral conduct, or misbehavior in office, and to appoint others in their place; sixth, to make all such regulations and by-laws necessary and proper to carry into effect the powers

herein granted, and not inconsistent with the constitution and laws of this state.

Sec. 7. No religious test or qualification shall be required of any trustee of said corporation, nor of any student or teacher of said institution.

Sec. 8. This act may be amended or altered by any future legislature.

J. McM. SHAFTER.
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, February 18, 1852,
LEONARD J. FARWELL.
[*Published, March* 26, 1852.]

An Act to authorise the construction of a toll bridge across Fox River, at Montello.

Chap. 47.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. That Gordus H. Barstow and Edwin B. Kelsey, their associates and assigns, be and they are hereby authorized and empowered to build and maintain a bridge across Fox River, at Montello, opposite the north end of Main street, in the county of Marquette. Authorised to build bridge.

Sec. 2. That said bridge shall not be less than twelve feet wide, and shall contain a draw of sufficient width to pass and repass all boats and water crafts during the season of navigation, without charge or expense, or unnecessary delay.

Sec. 3. The said persons herein named, their associates and assigns, shall have power, after the completion of said bridge, to demand and collect tolls for passing the same, as follows: for every vehicle drawn by one horse or mule, ten cents; for every vehicle drawn by two horses, oxen, or mules, twenty cents: for every additional horse, ox, or mule, five cents; for all animals in droves, one cent each: *Provided*, That hogs and sheep shall not be charged more than ten cents per score, or at that rate. To have draw

Sec. 4. The said persons herein named, their associates and assigns, shall keep posted, in some conspicuous place, on said bridge, a list of the rates of toll allowed by this act. Rates of toll. Rates to be posted up.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, February 18, 1852.
LEONARD J. FARWELL.
[*Published, March* 24, 1852.]

Chap. 48. An Act to appropriate to William S. Hascall, assignee of Charles R. Dakin, a certain sum of money therein named.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SEC. 1. There is hereby appropriated to William S. Hascall, assignee of Charles R. Dakin, out of any money in the treasury not otherwise appropriated, the sum of two hundred and twenty-three dollars and fifteen cents, being in full of the account of Dominick Casey, sheriff of Waukesha county, for boarding William White, J. B. Galloup, and William Flannegan, state prisoners, to November 10th, 1851.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, February 18, 1852.
LEONARD J. FARWELL.

Chap. 49. An Act to repeal an act entitled "An act to amend an act to incorporate the town of Potosi," approved February 9, 1850.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. An act entitled "An act to amend an act to incorporate the town of Potosi," approved February 9th, 1850, is hereby repealed.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, February 18, 1852.
LEONARD J. FARWELL.

Chap. 50. An Act to amend an act entitled "An act to incorporate the Fort Winnebago and Duck Creek Plank Road Company," approved February 9th, 1850.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Amendment. SECTION 1. An act entitled "An act to incorporate the Fort Winnebago and Duck Creek Plank Road Company" is hereby so amended as to allow the erection of a toll gate and collection of tolls on said road, whenever the first two and a half miles of the same shall be completed, and a

provisions contravening the provisions of this act are hereby repealed.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, February 18, 1852.
LEONARD J. FARWELL.

[*Published, March* 17, 1852.]

An Act to legalise certain acts and doings of the Methodist Episcopal Church, in Madison, Dane county. Chap. 51.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Election legalized.

Section 1. The acts and doing of the Methodist Episcopal Church, in the village of Madison, Dane county, in the election of church officers, on the 29th day of June, A. D. 1847, are hereby declared to be legal and valid.

Sec. 2. This act shall take effect and shall be in force from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, February 18, 1852.
LEONARD J. FARWELL.

An Act relating to Plank Roads.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows: Chap. 52.

Section 1. Every person who shall forcibly or fraudulently pass any toll gate erected on any plank road within this state, without having paid the legal toll, or who shall, to avoid the payment of legal toll, with his carriage or horse, or other vehicle or animal liable to toll, turn out of such road, or pass any gate thereon, on ground adjacent thereto, and enter again on such road, or who shall, for the purpose of avoiding the payment of toll, misrepresent to any gate keeper as to the place where he came on to the plank road, or as to the distance which he has traveled

Penalty for attempting to avoid payment of tol

upon the same, shall be punished by fine not exceeding ten dollars.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved February 18, 1852.
LEONARD J. FARWELL.

An Act to appropriate to C. L. Sholes the sum of money therein named.

Chap. 53. *The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:*

Section 1. That there be, and hereby is appropriated out of any money in the treasury not otherwise appropriated, to C. Latham Sholes, the sum of three thousand two hundred and eighty-two dollars, in full for balance due and interest thereon, for publishing the revised statutes of this state.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, February 18, 1852.
LEONARD J. FARWELL.

An Act to amend an act entitled "An act to incorporate the Manitowoc and Manitowoc Rapids Plank Road Company."

Chap. 54. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Section 1. That section two of the act of which this is amendatory, is hereby amended [so] as to authorize said company to construct a plank or turnpike, or part plank and part turnpike road, as to the directors shall seem expedient.

Amendment

Sec. 2. The ninth section of the act of which this [is] amendatory is hereby so amended as to authorize said directors to erect and maintain one or more toll gates on said road.

May erect toll gate.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, February 18, 1852.
LEONARD J. FARWELL.

[*Published March 20, 1852.*]

Chap. 55.

An Act to appropriate to Beriah Brown the sum therein named.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Section 1. There is hereby appropriated to Beriah Brown, out of any money in the state treasury not otherwise appropriated, the sum of twelve hundred and seventy-five dollars and fifteen cents, in full for the incidental printing for the state, from the twenty-second day of March, A. D. 1851, to the sixth day of January, 1852.

C. LATHAM SHOLES,
Speaker pro tem. of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, February 20, 1852.
LEONARD J. FARWELL.

An Act to consolidate and amend the act to incorporate the City of Milwaukee, and the several acts amendatory thereof. **Chap. 56.**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

CHAPTER I.—CITY AND WARD BOUNDARIES.

Section 1. All the district of country, in the county of Milwaukee, contained within the limits and boundaries hereinafter described, shall be a city, by the name of "Milwaukee," and the people now inhabiting, and those who shall hereafter inhabit within the district of country herein described, shall be a municipal corporation, by the name of the "City of Milwaukee," and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, in all courts of law and equity; and shall have a common seal, and may change and alter the same at pleasure.

Created municipal corporation.

Powers.

Sec. 2. The territory included within the following boundaries and limits, shall constitute the city of Milwaukee, to wit: beginning on the shore of Lake Michigan, where it is intersected by the section line dividing sections fifteen and twenty-two, of township seven, north of range twenty-two east; running thence west along said line, to the south-east corner of the south west quarter of said sec-

Boundaries of city defined.

tion fifteen; thence north along the quarter section line to the north east corner of the south-east quarter of the south-west quarter of said section fifteen; thence west to the north-west corner of said quarter section; thence south, to the south-west corner of said quarter section; thence west, along said line, dividing sections fifteen and twenty-two, to the west line of said township seven; thence south, along said line, to the south line of said township; thence east, along said line, to the lake shore, in the southerly part of Milwaukee Bay; thence from a point therein, in range with the south side of the south pier of the government harbor, the line shall diverge and run southeasterly, in a direct line, to and along the south side of said pier, to the further extremity thereof, and five hundred feet beyond, and from thence due east, to the eastern boundary of the state, in Lake Michigan; thence north, to a point opposite to the place or point of beginning; thence west to the place or point of beginning.

Divided into Wards.

Sec. 3. The said city shall be divided into five wards, as follows: all that part of said district which lies east of the middle of the Milwaukee River, and north of the middle of Wisconsin Street, shall be the first ward; and all that part of the said district which lies west of the middle of Milwaukee River, and north of the middle of Cedar Street, and its extension to the west line of the city, shall be the second ward; all that part of the said district which lies east of the middle of the said river, and south of the middle of Wisconsin Street, shall be the third ward; and all that part of the said district which lies west of the middle of said river and south of the middle of Cedar Street, and within sections numbered twenty-nine and thirty, shall be the fourth ward; and the residue of said city shall be the fifth ward.

CHAPTER II.—ELECTIONS.

When elections to be held and polls opened.

Sec. 1. The annual election for ward and city officers shall be held on the first Tuesday of March, of each year, at such place in each ward, as the common council shall designate, and the polls shall be kept open from nine o'clock, in the forenoon, till five in the afternoon, and ten days' previous notice shall be given by the common council, of the time and place of holding such elections, and the city and ward officers to be elected.

Elective officers.

Sec. 2. The elective officers of said city shall be a mayor, treasurer, marshal, and police justice, for the city, and three aldermen, one assessor, one constable, and one jus-

ice of the peace for each ward. All other officers neces- Term of office
ary for the proper management of the affairs of said city, shall be appointed by the common council. All elective officers, except justices of the peace, shall, unless otherwise provided, hold their respective offices for one year, and Proviso
until their successors are elected and qualified: *Provided, however*, The common council shall have power, for due cause, to expel any of their own number, and to remove from office any officer or agent under the city government, due notice being first given to the officer complained of. Justices of the peace shall hold their respective offices for two years, and until their successors are elected and qual- Terms of Justices.
ified.

Sec. 3. Whenever a vacancy shall occur in the office of mayor or aldermen, such vacancy shall be filled by a new election, which shall be ordered and held within ten days after such vacancy shall occur. Any vacancy happening in any other office shall be filled by the common council. The person elected or appointed to fill a vacancy, shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights, and subject to the same liabilities as the person whose office he may be elected or appointed to fill. How and when vacancies to be filled.

Sec. 4. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots, in the presence of the common council, at such time and in such manner as they shall direct. Election to be by ballot. How tie vote decided.

Sec. 5. All persons entitled to vote for county or state officers, and who shall have resided in the city for one year preceding the election, and for ten days within the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this law, and to hold any office hereby created. Who legal voters.

Sec. 6. The elections in said city shall be held and conducted by the aldermen of each ward, who shall be the inspectors of elections, and shall take the usual oaths or affirmations, as prescribed by the general laws of this state, to be taken by the judges and inspectors of elections, and shall have the power to appoint clerks of such elections, and to administer the necessary oaths. Said elections shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of inspectors thereof filled, as required by the laws of this state regarding elections. How elections to be conducted.

Challenges.

SEC. 7. If either of the inspectors shall suspect that any person offering a vote does not possess the qualifications of an elector, or if such vote be challenged by an elector, the inspector, before receiving the vote of any such, shall require him to take the following oath: "You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age, that you are a citizen of the United States, (or have declared your intention to become a citizen, conformably to the laws of the United States on the subject of naturalization) that you have resided within this city one year, and within this ward ten days next preceding this election, and that you have not voted at this election, and that you have made no bet or wager, or become directly or indirectly interested in any bet or wager depending on the result of this election;" and if the person offering to vote shall take such oath, his vote shall be received. And if such person shall take such oath falsely, he shall be deemed guilty of a wilful and corrupt perjury, and upon conviction thereof, upon indictment, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter, shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more that once at any one election, he shall be liable to indictment, and on conviction thereof, shall forfeit and pay a sum not exceeding one hundred dollars, or less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes; and if any inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of an election, or any clerk shall not write down the name of every voter as he votes, or shall wilfully make untrue and incorrect count and tallies of votes, each and every such inspector and clerk shall be liable to indictment, and on conviction thereof, shall severally forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars. All such indictments shall be tried in the circuit court of the county of Milwaukee.

Form of oath.

Further penalties.

Penalty for making false return

Inspectors to make returns.

SEC. 8. When an election shall be closed, and the number of votes for each candidate or person voted for, shall be counted and ascertained, the said inspectors shall make return thereof, stating therein the number of votes for each person, for each and every office, and shall deliver, or cause to be delivered, such returns to the clerk of the common council, who shall forthwith give notice to each of

the aldermen elected, of their respective elections. Within one week after any election, the common council shall meet and canvass said returns, and declare the result, as it appears from the same. Council to canvass and declare the result.

Sec. 9. Special elections, to fill vacancies, or for any other purpose, shall be held and conducted by the aldermen of each ward, in the same manner, and the returns thereof shall be made in the same form and manner as general or annual elections, and within such time as may be prescribed by ordinance. Special elections

Sec. 10. Any officer removing from the city, or any ward officer removing from the ward for which he was elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy, as herein prescribed. How offices vacated.

Sec. 11. There shall be elected, at the first election under this act, one alderman for each ward, who shall hold his office for two years, and two aldermen who shall hold their office for one year. Terms of aldermen at first election.

Sec. 12. At every annual election thereafter, there shall be elected one alderman for each ward, who shall hold his office for two years, and one who shall hold his office for one year. Terms thereafter.

Sec. 13. The votes for the alderman who shall hold his office for two years, shall be deposited in a separate ballot box; and the votes for aldermen holding their office for one year, and all other elective officers shall be on one ballot, and deposited in a separate ballot box. Votes to be in separate box.

Sec. 14. There shall be written or printed, or partly written or printed, at the head of the votes for the alderman for two years, the words "Alderman for two years," and at the head of the vote for alderman for one year, "Alderman for one year." Form of votes.

Sec. 15. The aldermen in each ward elected for two years, shall be, in the order of their election, members of the county board of supervisors, with all the rights, duties, and liabilities of the chairmen of the board of supervisors of the several towns. Aldermen to be members of b'd of co. supervisors.

Sec. 16. By consent of a majority of the aldermen of any ward, the alderman for two years may subtitute either of the other aldermen in his place, in said board of supervisors, for such time as may be named by him in writing. How substitute may be made.

Sec. 17. All the city and ward officers now in office, shall hold their respective offices until their successors

Term of office. shall be elected or appointed under this act; and the term of every officer elected under this law, shall commence on the second Tuesday of March, of the year for which he was elected; and shall, unless herein otherwise provided, continue for one year, and until his successor is elected and qualified.

Duties in regard to first election. SEC. 18. All duties herein required of the common council and aldermen, in regard to elections, shall be performed, so far as may be necessary, by the present common council and aldermen, in regard to the first election, and the organization of the city government under this law.

When new elections to be held. SEC. 19. Should there be a failure by the people to elect any officer herein required to be elected, on the day designated, the common council may order a new election to be held, ten day's notice of the time and place of holding the election being first given.

CHAPTER III.—OFFICERS—THEIR POWERS AND DUTIES.

Officers to take oath. SEC. 1. Every person elected or appointed to any office under this act, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same duly certified by the officer taking the same, with the clerk of the city; and the treasurer, clerk, marshal, constables, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Milwaukee a bond, with at least two sureties, who shall swear that they are each worth the penalty specified in said bond, over and above all debts, exemptions, or liabilities, and said bonds shall contain such penal sum and such conditions as the common council may deem proper; and they may, from time to time, require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

To give bonds.

Powers and duties of mayor. SEC. 2. The mayor shall, when present, preside over the meetings of the common council, and take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city; and in case of a riot, or other disturbance, he may appoint as many

special or temporary constables as he may deem necessary. The mayor shall have a vote only in case of a tie.

Council to elect president pro tem.

Sec. 3. At the first meeting of the common council each year, they shall proceed to elect, by ballot, one of their number president; and in the absence of the mayor, the said president shall preside over the meetings of the common council; and during the absence of the mayor from the city, or his inability, from any reason, to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor. In case the mayor and the president shall be absent at any meeting of the common council, they shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge all the duties of the mayor. The president or temporary presiding officer, while presiding over the board, or performing the duties of mayor, shall be styled acting mayor, and acts performed by them shall have the same force and validity as if performed by the mayor.

To elect clerk.

Sec. 4. The clerk shall be elected by ballot by the common council; he shall keep the corporate seal and all the papers and records of the city; and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend; and copies of all papers filed in his office, and transcripts from the records of the common council, certified by him under the corporate seal, shall be evidence in all courts, in like manner as if the original were produced; he shall draw and countersign all orders on the treasury in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof, in books provided for that purpose. The clerk shall have power and authority to administer oaths or affirmations.

His powers and duties.

Duties of attorney.

Sec. 5. The attorney shall perform all professional services incident to the office, and when required, shall furnish written opinions upon any subject submitted to him by the common council, or its committees.

Duties of treasurer.

Sec. 6. The treasurer shall receive all monies belonging to the city, and keep an accurate and detailed account thereof, in such manner as the common council shall, from time to time, direct. The treasurer shall exhibit to the common council, at least fifteen days before the annual election, or sooner, if required by them, a full and detailed account of all receipts and expenditures after the date of the last annual report, and also of the state of the treasury; which account shall be filed with the clerk.

Sec. 7. The marshal shall perform such duties as shall

Duties of marshal.

be prescribed by the common council for the preservation of the public peace and the collection of license moneys and fines; he shall possess the powers of constable at common law, or by the laws of this state, and receive like fees, but shall not serve civil process, except where the city is a party.

Sec. 8. The common council shall have power, from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed; and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by them; such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office.

Powers of common council.

Sec. 9. The common council, at their first meeting in each year, or as soon thereafter as may be, shall designate not more than two daily newspapers printed in said city, one in English and one in German, in which shall be published all ordinances and other proceedings and matters required by this act, or by the by-laws or ordinances of the common council to be published in a public newspaper.

To select papers to publish ordinances, &c.

Sec. 10. The city printer or printers, immediately after the publication of any notice, ordinance, or resolution, which by this act is required to be published, shall file with the clerk of the city, a copy of such publication, with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, or resolution.

Printer to make affidavit of publication.

Sec. 11. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers, and effects of every description, in his possession, belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover the possession of such books, papers, and effects, in the manner prescribed by the laws of this state.

Penalty for withholding books, &c.

Sec. 12. No alderman shall be a party to, or interested in any job or contract with the city, or any of the wards, and any contract in which any alderman may be so interested shall be null and void; and in case any money shall

have been paid on any such contract, the common council may sue for and recover the amount so paid, from the parties to such contract, and the alderman interested in the same. Aldermen prohibited from being interested in contracts.

Sec. 13. The mayor or acting mayor, sheriff of Milwaukee county, and each and every alderman, justice of the peace, marshal, constable, and watchman, shall be officers of the peace, and may command the peace, and suppress, in a summary manner, all rioting and disorderly behavior within the limits of the city; and for such purpose may command the assistance of all bystanders, and if need be, of all citizens and military companies; and if any person, bystander, military officer, or private, shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars; and in case where the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings. Who officers of the peace. Penalty for refusing to aid, &c.

Sec. 14. The police justice shall possess all the authority, powers and rights of a justice of the peace, except that he shall in no case entertain any civil proceeding, to which the city is not a party, and shall have sole exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the city, cognizable before a justice of the peace; but warrants returnable before the police justice may be issued in criminal cases by any other justice in the city; but no fee shall be received therefor by such justice. The police justice shall have exclusive jurisdiction in all cases in which the city is a party, and he shall have the same power and authority, in cases of contempt, as a court of record: *Provided*, That nothing herein contained shall be deemed to divest the circuit judges of their authority as conservators of the peace, nor to affect in any manner the jurisdiction or powers of the county or circuit court of Milwaukee county. In case of the absence, sickness, or other inability of the police justice, or for any sufficient reason, the mayor, by warrant, may authorize any other justice of the peace within said city, to perform the duties of police justice, and it shall thereupon be the duty of the mayor to inform the attorney and marshal of such substitution, and make report thereof to the common council, and they may confirm or set aside such appointment, or appoint some other justice of the peace, and the justice so appointed shall, for the time being, possess all the authority, powers, and rights of the police justice. Authority of police justice. Proviso. When mayor may appoint.

Justices to make report.

Sec. 15. The police justice shall quarterly report to the common council a list of all proceedings instituted before him, in behalf of the city, and the disposition thereof; and shall, at the same time, account and pay over the amount of all penalties and costs collected, which may by law accrue to the city. He shall be entitled to receive from the county of Milwaukee an annual salary of not less than four hundred dollars, nor more than eight hundred dollars, for his services in criminal cases; and shall receive from the city of Milwaukee, such compensation as the common council may deem proper.

Salary.

Council to elect surveyor.

Sec. 16. There shall be elected by the common council, a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe his duties, and fix the fees and compensation for any service performed by him. All surveys, profiles, plans, or estimates made by him for the city, or either of the wards, shall be the property of said city, and shall be carefully preserved in the office of the surveyor, open to the inspection of parties interested; and the same, together with all books and papers appertaining to said office, shall be delivered over by the surveyor, at the expiration of his term of office, to his successor, or the common council.

City Comptroller.

Council to appoint comptroller.

Sec. 17. The common council shall appoint a city comptroller, whose duty it shall be to make out the amount paid by, and chargeable to the general city fund and to the several ward funds for personal taxes for the year 1849, refunded, and for over payment of taxes accruing under the law authorizing the collection of taxes, approved 24th January, 1851.

To report ward indebtedness.

Sec. 18. After the assumption of the ward debts by the city, said comptroller shall report to the common council the amount of indebtedness of the several wards to the city, and what amount of taxes it will be necessary to levy annually, in each ward, and for what number of years, to reimburse the city the amount paid by the same, on account of the indebtedness of the several wards.

To make out list of city bonds.

Sec. 19. He shall make out a list of all the outstanding city bonds, to whom, when, and where payable, and the rate of interest they may respectively bear, and recommend such action to the common council, as will secure the punctual payment of the principal and interest of such bonds.

Sec. 20. He shall report annually, on or about the first of April to the common council, an estimate of the expenses of the city, and of the several wards, and likewise the revenue necessary to be raised for the current year; and the fiscal year of the city shall commence on the first day of April. To report annually. Fiscal year.

Sec. 21. He shall make or cause to be made, estimates of the expense of any work to be done by the city, and countersign all contracts (made in behalf of the city,) and certificates of work by any commitee of the common council, or by any city officer. To make estimates.

Sec. 22. He shall examine all estimates of work to be done by the street commissioners of the several wards, and countersign all contracts and certificates of work entered into or given by them; and no contract entered into, or certificate issued, shall be of any validity unless countersigned by the comptroller. To examine estimates and sign contracts.

Sec. 23. He shall keep a list of all certificates issued in each ward, and before the levy by the common council of the annual tax, shall report to the council a schedule of all the lots or parcels of land within the several wards, which, under this act, may be subject to any special tax or assessment, and also the amount of such special tax or assessment, which it may be necessary to levy on such lot or parcel of land, with a full statement of the several acts done and performed in reference to such special taxes or assessments; which said schedule shall be verified by the affidavit of the comptroller, and shall be *prima facie* evidence of the facts therein stated in all cases wherein the validity of such special tax or assessment shall come in question. The common council shall, if from such report they deem such special tax legal and just, cause the same to be levied, in pursuance of the provisions of this act. To report schedule of lots, &c.

Sec. 24. He shall report monthly to the common council the amount of work done, or for which contracts have been entered into, chargeable to the several wards and to the general city fund, and set forth what proportion the same will bear to the annual estimate made by him for the work to be performed and revenue to be raised. To make monthly report of work

Sec. 25. If on or before the first day of December of any year, the amount expended or to be expended, chargeable to any of the ward or city funds, (adding thereto the current expenses estimated for the remainder of the fiscal year, and chargeable to such fund,) shall be equal to three-fourths of the tax authorized to be raised, or revenue estimated for such fund, he shall at once report the same to the common council; and he shall not countersign any con- To report the same expended

tracts chargeable to such fund, until the amount of taxes actually collected be ascertained; and during the remainder of the fiscal year he shall not countersign any contract, the expense of which shall exceed the revenue actually collected for the fund to which such expense is properly chargeable.

May negotiate loans.

SEC. 26. The comptroller may negotiate, between the first of April and the collection of taxes for the same year, such temporary loans for the different funds, anticipating the revenue of the current year, as he shall deem expedient; and such loans shall be subject to the approval of the common council.

To examine accounts, &c., of treasurer.

SEC. 27. He shall examine the report, books, papers, vouchers, and accounts of the treasurer, and from time to time, shall perform such other duties as the common council may direct.

To audit and adjust accounts.

SEC. 28. All claims and demands against the city, before they are allowed by the common council, shall be audited and adjusted by the comptroller.

To keep a public record.

SEC. 29. The comptroller shall keep a record of all his acts and doings, which record shall be open to the inspection of all parties interested. He shall not be directly or indirectly interested in any contract or job to which the city or either of the wards is a party.

CHAPTER IV.—THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

Common Council.

SEC. 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "The Mayor and Common Council of the City of Milwaukee, do ordain," &c. The common council shall meet at such time and place as they, by resolution, shall direct. A majority of the aldermen shall constitute a quorum.

To hold meetings, make rules &c.

SEC. 2. The common council shall hold stated meetings and the mayor may call special meetings, by notice to each of the members, to be served personally, or left at their usual place of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members, and have power to compel the attendance of absent members.

Council to have control of finances and property of city.

SEC. 3. The common council shall have the management and control of the finances, and of all the property of the city, and shall likewise in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend, and repeal, all such ordinances, rules and by-

laws, for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of the trade, commerce, and health thereof, (*and*) as they shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinance, rules, or by-laws; and such ordinances, rules, and by-laws, are hereby declared to be and have the force of law: *Provided*, that they be not repugnant to the constitution and laws of the United States or of this state; and for these purposes shall have authority by ordinances, resolutions, or by-laws, Proviso.

To license, &c.

1. To license and regulate the exhibitions of common showmen or shows of any kind, or the exhibitions of caravans, circuses, or theatrical performances, billiard tables, bowling saloons, and to provide for the abatement and removal of all nuisances under the ordinances, or at common law; and to grant licenses, and regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous, or fermented liquors: *Provided*, that the license for so dealing in, or vending spirituous or fermented liquors, shall be thirty dollars a year, and that no license shall be granted for a less term than one year. Proviso.

To prohibit gaming, &c.

2. To restrain and prohibit all descriptions of gaming, and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, for the purpose of gaming in said city, and to restrain any person from vending, giving, or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council.

To prevent disturbances, &c.

3. To prevent any riots, noise, disturbance, or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming.

To provide for removal of nuisances.

4. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove or abate the same, from time to time, as often as it may be deemed necessary for the health, comfort, and convenience of the inhabitants of said city.

To direct location of markets.

5. To direct the location and management of slaughter houses and markets, and to establish rates for, and license venders of gunpowder, and regulate the storage, keeping, and conveying of gunpowder, or other combustible materials.

To prevent encumbrance of streets.

6. To prevent the encumbering of the streets, side walks, lanes, or alleys, with carriages, carts, wagons, sleighs,

boxes, lumber, firewood, or any other materials or substances whatever.

Horse racing &c. 7. To prevent horse racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

To restrain domestic animals. 8. To restrain the running at large of cattle, swine, sheep, poultry, and geese, and to authorize the distraining and sale of the same.

Dogs. 9. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinance.

To prevent and remove putrid matter. 10. To prevent any person from bringing, depositing, or having within said city, any putrid carcass, or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or putrid or unsound beef, pork, fish, hides, or skins of any kind; and on default, to authorize the removal thereof by some competent officers, at the expense of such person or persons.

To establish water works, &c. 11. To make and establish public pounds, pumps, wells, cisterns, and reservoirs, and to provide for the erection of water works, for the supply of water to the inhabitants, to erect lamps, and regulate and license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen, and cartmen in the city; and to provide for lighting the streets, public grounds, and public buildings with gas or otherwise.

Health, &c. 12. To establish and regulate boards of health, provide hospital and cemetery grounds, regulate the burial of the dead, and the return of the bills of mortality, and to exempt burial grounds set apart for public use, from taxation.

Bread. 13. To regulate the assize and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

To prevent riding on walks. 14. To prevent all persons riding or driving any ox, mule, cattle or other animal, on the side-walks in said city, or in any way doing any damages to such side-walks.

Fire Works, &c. 15. To prevent the shooting of fire-arms or crackers, and to prevent the exhibition of any fire works in any situation which may be considered by the council dangerous to the city, or any property therein, or annoying any citizen thereof.

To restrain obscenity, drunkenness, &c. 16. To restrain drunkards, immoderate drinking, or obscenity in the streets or public places, and to provide for arresting, removing, and punishing any person or persons who may be guilty of the same.

17. To restrain and regulate runners and solicitors for boats, vessels, stages, public houses, or other establishments, and to regulate the police of the city. Police, runners, &c.

18. To establish public markets, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations. To establish markets

19. To license and regulate butchers' stalls, shops, and stands for the sale of game, poultry, butcher's meat, butter, fish, and other provisions. To regulate

20. To regulate the place and manner of weighing and selling of hay, and measuring and selling of fuel and lime, and to appoint suitable persons to superintend and conduct the same. Weighing

21. To compel the owners or occupants of buildings or grounds, to remove snow, dirt, or rubbish from the sidewalk, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct; and in his default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant.

22. To regulate the construction of piers or wharves extending into Lake Michigan, within the limits of said city, and to prescribe and control the prices to be charged for pierage or wharfage thereon. Piers, &c.

23. To regulate, control, and prevent the landing of persons from boats or vessels, wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city. To prevent infection.

24. To regulate the time, place, and manner of holding public auctions or vendues. Vendues.

25. To appoint watchmen and prescribe their duties. Watchmen.

26. To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures. Weights & measures.

Sec. 4. All laws, ordinances, regulations, resolutions, and by-laws, shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall be published in the official papers of said city, before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk, in books to be provided for that purpose; but before any of the said laws, ordinances, regulations, or by-laws shall be recorded, the publication thereof, respectively, within Ordinances, how framed.

the said time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication. No appropriation shall be made without a vote of a majority of the members of the common council in its favor, which vote shall be taken by ayes and noes, and entered among the proceedings of the council.

Common nuisances.

Sec. 5. The powers conferred upon the said council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions, or proceedings, in the courts according to law. Depots, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored, or kept at any one time, gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous, or fermented liquors are sold without the license required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

Council to examine books, &c.

Sec. 6. The council shall examine, audit, and adjust the accounts of the clerk, treasurer, school commissioners, street commissioners of each ward, marshal, and all other officers and agents of the city, at such times as they may deem proper, and also at the end of each year, and before the term for which the officers of the said city are elected or appointed shall have expired. And the common council shall require each and every such officer and agent to exhibit his books, accounts, and vouchers, for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant. And the common council shall order suits and proceedings at law against any officer and agent of said city, who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties; and shall make a full record of all such settlements and adjustments.

CHAPTER V.—FINANCES AND TAXATION.

Council to have control of certain funds.

Sec. 1. All funds in the treasury, except school, state, and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor

and clerk, duly authorized by a vote of the common council, and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable generally out of any funds in the treasury belonging to the city, and all such orders shall be received in payment of any tax or assessment levied by the authority of the city. All orders shall be payable to the order of the person in whose favor they may be drawn, and shall be transferable by endorsement.

Certain warrants not receivable for taxes.

Sec. 2. No order or warrant drawn by the authority of the city of Milwaukee upon ward or city funds previous to the taking effect of this act, nor any warrant or order drawn for any debt or liability contracted previous thereto, shall be receivable by the city treasurer on payment of any tax or assessment levied in pursuance of this act: *Provided, however*, That orders or warrants issued in payment of special taxes or improvements, shall be receivable therefor.

Proviso.

Council may issue bonds.

Sec. 3. The common council is hereby authorized, and it shall be their duty, to issue bonds of the city, bearing interest of not more than seven per centum, as the common council may determine, payable at such time or times as said council may deem advisable, regard being had in the case of a ward debt to the probable time that will be required under the provisions herein made to pay off such indebtedness, in payment of the existing indebtedness of said city, and of the several wards thereof, contracted for general city or ward purposes.

To levy taxes.

Sec. 4. The said council shall annually levy a tax upon all the property in said city, subject to taxation, not exceeding one per cent. per annum, to pay off the present indebtedness of said city, until such indebtedness shall be finally extinguished; and they may levy a further tax not exceeding three-fourths of one per cent. to defray the current expenses of the city.

To levy ward tax to pay debts.

Sec. 5. The common council shall annually levy a tax, not exceeding one per cent. upon the property liable to taxation, of any ward that is indebted, to pay off the indebtedness of such ward, assumed by the city, under the provisions of this chapter, until an amount shall have been collected by the city from such tax, sufficient to pay off the indebtedness of such ward so assumed by the city, at which time such tax shall cease.

Ward tax

Sec. 6. The common council shall annually levy upon the property liable to taxation in each ward, a tax not exceeding one per cent. per annum, to defray the current expenses of such ward.

Sec. 7. The aldermen of any ward shall certify to the

Aldermen to certify &c.

council any debts contracted by such ward for the current year, and thereupon the said council shall (if such debt be a proper claim against such ward,) allow such debt, and direct the mayor and clerk to issue to the proper person orders of the city to the amount of the debt allowed: *Provided*, The said council shall in no case allow any such debt, if such allowance will cause the whole amount of orders so issued to meet the indebtedness of such ward, to exceed the amount of tax which may be levied and collected under the provisions of this chapter, to meet the expenses of the current year, assuming as a basis the tax list of such year, if then made out, and if not, then the tax list of the preceding year.

Proviso.

Alderman not to contract debts.

Sec. 8. No alderman of any ward shall contract debts against such ward, in any one year, to an amount greater than the amount of tax which, under the provisions of this chapter, may be levied in such ward to meet the current expenses of the year; and if any alderman shall so contract debts to a greater amount than such tax, neither such ward nor the city shall be liable for the same, but the alderman so contracting shall be liable therefor, as if the debt had originally been contracted by such alderman personally: *Provided*, That no alderman shall be held liable as aforesaid, without proof of his assent as alderman, to the contracting of the liability or debt by the ward.

Proviso.

CHAPTER VI.—OPENING OF STREETS, ALLEYS, &c.

Power to lay out streets, &c.

Sec. 1. The common council shall have power to lay out public squares, grounds, streets, and alleys, and to widen the same as follows: Whenever ten or more freeholders residing in any ward, shall, by petition, represent to the common council, that it is necessary to take certain lands within the ward where such petitioners may reside, for public use, for the purpose of laying out public squares, grounds, streets, or alleys, or the enlarging or widening the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, to be set forth in such petition, the common council shall thereupon cause notice of such application to be given to the occupant or occupants of such lands, if any there be; or if any portion of such lands shall not be in the actual occupation of any person, then the common council shall cause such notice, describing, as near as may be the premises proposed to

To give notice.

be taken, to be published in the official paper for four weeks, at least once in each week.

What notice to contain.

Sec. 2. Such notice shall state, that on a certain day therein to be named, not less than ten days from the service of such notice, or the expiration of such publications, as the case may be, application will be made to the judge of the circuit or county court of Milwaukee county, for the appointment of twelve jurors to view said premises and to determine whether it will be necessary to take the same for the purpose specified in said petition.

Judge to appoint jurors.

Sec. 3. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said judge shall thereupon appoint twelve reputable freeholders, residents of the city, but not residents of the ward in which such premises may lie, nor interested in the result of such application. The said judge shall thereupon issue his precept, directed to said jurors, requiring them, within thirty days to view said premises, to be specified in said precept, and to make return, under their hands, to the common council, whether, in their judgment, it is necessary to take said premises for the purpose specified in such application.

How panel filled in certain cases.

Sec. 4. If any of the jurors so appointed, shall be disqualified from acting, or shall refuse to act, the judge shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept.

Jurors to view premises, &c.

Sec. 5. The said jurors, at such times as they may agree upon, shall proceed in a body, to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

To make report.

Sec. 6. After viewing the premises and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether, in their judgment, it is necessary to take the premises in question for the public use, which said report, testimony, and precept, shall be returned to the common council, within the time limited therein.

Council to enter order to assess damages.

Sec. 7. Should the jurors report that it is necessary to take such premises, the common council shall enter an order among their proceedings, confirming said report, and directing the same jurors, within one month thereafter, or such further time as may be deemed proper, to again view said premises, for the purpose of ascertaining and deter-

mining the amount of damages to be paid to the owner or owners of the property proposed to be taken, and also what lands or premises will be benefitted by such taking, and to assess and return, within the time limited, such damages and benefits to the common council.

To first estimate value of buildings.

SEC. 8. If there should be any building standing, in whole or in part, upon the land to be taken, the jurors, before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the injury to him, in having such building taken from him; and secondly, the value of such building to him to remove.

Notice of award to be given.

SEC. 9. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known, and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all persons interested shall be given by publication in the official paper, three successive weeks; such notice shall specify the building and the award of the jurors. It shall also require the parties interested to appear by a day to be therein named, or give notice of their election to the common council, either to accept the award of the jurors, and allow such building to be taken, with the land appropriated, or of their intention to remove such building, at the value set thereon by the jurors to remove. If the owner shall agree to remove such building, he shall have such time for this purpose as the common council may allow.

Party to make election.

Council may sell building.

SEC. 10. If the owner refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid, within the time prescribed, the common council shall have power to direct the sale of such building at public auction, for cash, giving ten days' notice of such sale. The proceeds shall be paid to the owner, or deposited to his use.

Jurors to appraise value of real estate.

SEC. 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken, and all such other premises as will, in their judgment, be injured or benefited thereby, after hearing such testimony as may be offered by any party interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment and to determine and appraise, to the owner or owners, the value of the real estate so proposed to be taken, and the injury arising to them respectively in consequence of the taking thereof, which shall be awarded to such owners respectively, as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improve-

ment. In the estimate of damages to the land, the jurors shall include the value of the building or buildings, (if the property of the owner of such land,) as estimated by them as aforesaid, less the proceeds of the sale thereof; or if taken by the owner, at the value to remove; in such case, they shall only include the difference between such value and the whole estimated value of such building or buildings.

Jurors to strike a balance.

Sec. 12. If the damage to any person be greater than the benefits received, or if the benefit be greater than the damages, in either case the jurors shall strike a balance, and carry the difference forward to another column, so that the assessment will show what amount is to be received or paid by such owner or owners respectively, and the difference only shall, in any case, be collectable of them, or payable to them.

How award to be made in certain cases.

Sec. 13. If the lands or building belong to different persons, or if the land be subject to lease, judgment, or mortgage, or if there be any estate in it, less than an estate in fee, the injury done to such persons or interests, respectively, may be awarded to them by the jurors, less the benefits resulting to them respectively, from the proposed improvement.

To report award to council.

Sec. 14. Having ascertained the damages and expenses of the proposed improvement as aforesaid, the jurors shall thereupon apportion and assess the same, together with the costs of the proceedings, upon the real estate by them deemed benefited, in proportion to the benefits resulting thereto from the proposed improvement, as nearly as may be, and shall describe the real estate upon which their assessments may be made. The award of the said jurors shall be signed by them, and returned, together with the testimony taken, to the common council, within the time limited in their order of appointment.

Damage to be paid or tendered.

Sec. 15. The land required to be taken for the purposes mentioned in this act, shall not be appropriated until the damages awarded therefor to the owner thereof, shall be paid or tendered to the owner or his agent; or in case the said owner or agent cannot be found, or is unknown, deposited to his or their credit in some safe place of deposit; and then, and not before, such lands may be taken and appropriated for the purpose required; and the same shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys, and public grounds heretofore opened or laid out.

Leases, &c. to be discharged.

Sec. 16. Where the whole of any lot or tract of land, or other premises, under lease, or other contract, shall be

taken by virtue of this act, all the covenants, contra
engagements between landlord and tenant, or any o
contracting parties, touching the same or any part the
shall, upon the confirmation of such report, respecti
cease, and be absolutely discharged.

Covenants, &c. to be discharged.

SEC. 17. When only part of a lot or tract of land
other premises, so under lease, or other contract, shall
taken for any of the purposes aforesaid, all the coven
contracts, or agreements respecting the same, upon
confirmation of such report, shall be absolutely discha
as to the part thereof so taken, but shall remain valid
the residue thereof; and the rents, considerations, and
ments reserved, payable and to be paid for or in re
to the same, shall be so proportioned, so that the
thereof justly and equitably payable for such residue t
of, and no more shall be paid or recoverable for in re
to the same,

When damages to be paid or tendered.

SEC. 18. The damages assessed shall be paid, or ten
dered, or deposited as herein required, within six mo
from the confirmation of such assessment and report:
if not so paid, tendered, or deposited, all the proceedi
in any such case shall be void. The benefits so asses
from the confirmation of said report, shall become and
main a lien upon the premises so determined by the ju
to be benefited by the opening or widening of such stre
alley or public ground.

Judge may appoint guardian.

SEC. 19. When any known owner of lands or tenemen
affected by any proceedings under this act, shall be an
fant, or labor under legal disability, the judge of the
cuit court of Milwaukee county, or in his absence,
judge of any court of record in said county may, upon
application of the common council, or such party or
next friend, appoint a guardian for such party, and all
tices required by this act shall be served upon such g
dian.

Council may fill vacancy in jury.

SEC. 20. After the jurors shall have made their re
as to the necessity of taking any lands under this act,
the same shall have been confirmed, the common cou
shall have power to appoint new jurors in the place of
who shall neglect or refuse to serve; and the jurors, be
entering upon the discharge of their duties, shall sever
take an oath before some competent officers, that they
freeholders of said city, and not interested in the prem
proposed to be taken, and that they will faithfully and
partially discharge the trusts reposed in them.

Parties may appeal.

SEC. 21. Any person whose property is taken, or ag
whom an assessment is made, may, within ten

from the return of the jurors to the common council, appeal from said assessment of damages or benefits, to the circuit court of Milwaukee county where such appeal shall be tried by the court and jury, as in ordinary cases. The common council shall have the same right of appeal.

Sec. 22. Whenever any public ground, street, or alley shall be laid out, widened or enlarged, under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city surveyor. Survey, &c. to be filed.

Sec. 23. In all cases where the return of a jury may have established the necessity of taking private property for the purpose of opening streets, previous to the passage of this act, the common council may cause the damages and benefits arising therefrom to be assessed as required by this act, and for such purpose may summon a jury and do and perform all other acts in the same manner as if such proceedings had been originally instituted under this act. Council to summon jury.

Sec. 24. The common council shall have no power, under the provisions of this chapter, to lay out any streets, alleys, or public grounds, on the lands of Garret Vliet or Samuel Brown, in the north half of section nineteen, and northwest quarter of section twenty, without consent of the said Garret Vliet and Samuel Brown, as the case may be, as long as they are owners thereof, and the same be used for farming purposes. Lands excepted

CHAPTER VII.—CITY IMPROVEMENTS.

Sec. 1. The aldermen of the several wards shall be street commissioners, in and for their respective wards, two of whom shall be a quorum; one of their number, or some person appointed by them, shall be clerk of the board of commissioners, who shall keep a record of all their acts and doings, and shall keep and preserve all contracts, receipts, and papers of the board. The several boards of street commissioners shall make report in detail to the common council, of their acts and doings whenever required; and at the expiration of each year, and before their term of office shall expire, shall submit all their acts and doings, books, records, papers, accounts, receipts and vouchers, to the common council for final settlement and adjustment. Street commissioners. Powers.

Sec. 2. Any person deeming himself aggrieved by an act of the board of street commissioners, may, at any time, appeal to the common council, who shall inquire into, exam- Appeal.

inc and correct the act or order complained of, as shall seem just and proper; and the further action of the board, in this respect shall be regulated accordingly.

Commissioners may make contract.

SEC. 3. The said street commissioners shall have power to order and contract for the making, grading, repairing, and cleansing of streets, alleys, public grounds, reservoirs, gutters, and sewers, within their respective wards, and to direct and control the persons employed therein.

How walks made or repaired.

SEC. 4. Whenever the street commissioners shall deem it necessary to construct or repair any side walk within their ward, they shall direct the owner or occupant of any lot adjoining such side walk, to make or repair the same, at his own proper cost and charge. If such work is not done in the manner and within the time prescribed, the commissioners shall cause the same to be done at the expense of the lots adjoining such side walk.

How costs paid.

SEC. 5. The cost and expense of surveying streets, alleys, side walks, sewers, and of estimating work thereon and of repairing and cleansing streets and alleys, and of constructing and repairing reservoirs and sewers, shall be chargable to and payable out of the fund of the proper ward; opening, grading, graveling, planking, or paving streets and alleys to the centre thereof, shall be chargeable to and payable by the lots fronting on such street or alley. Sewers may be ordered by the street commissioners, and built at the expense of the lots or parcels of land, benefited thereby, which shall be apportioned among said lots or parcels of land by the street commissioners, with the assistance of the city surveyor: *Provided however*, That where sewers are constructed through alleys, no lots shall be assessed therefor, except those situated in the block or blocks through which such sewers may be constructed; and where sewers are constructed through streets, no lots shall be assessed therefor, except those situated in the blocks fronting on such streets: *And provided further*, That in all cases where improvements or work of any kind are chargeable, by virtue of this section, upon lots benefited, all such improvement across streets, alleys, and public grounds shall be made and paid for out of the fund of the proper ward, in proportion to the width of the street, alley or public ground.

Proviso.

Proviso.

SEC. 6. Whenever the commissioners shall determine to make any public improvement, as authorized by sections 3, 4, and 5, of this chapter, the[y] shall cause to be made an estimate of the whole expense thereof, and of the proportion to be assessed and charged to each lot, and in case of grading streets, alleys, or side walks, of the number of

cubic yards to be filled in, or to be excavated, in front of each lot; and such estimate shall be filed with the city comptroller, for the inspection of the parties interested. The street commissioners shall give notice by advertisement for ten days, in one or more daily papers published in Milwaukee, to the owners or occupants of the lots or parcels of land fronting on any street, alley or side walk ordered to be graded, graveled, planked, or paved, requiring them to do the work mentioned in such notice, within a reasonable time, therein to be specified; and if the said work shall not be done within such time, the said commissioners shall enter into contract for the doing thereof.

To file estimate.

To give notice.

SEC. 7. Whenever the general interest of the city or ward requires deep cutting, or extraordinary filling, in any street, and the owners of the lots or lands fronting on such deep cutting or filling, shall deem themselves aggrieved thereby, and shall represent to the commissioners in writing that the expense of such excavation or filling will exceed the benefit the same will be to the property assessed therefor, the street commissioners shall require the marshal to summon five freeholders, not residents of the ward, nor owners of, nor interested in said lots or lands, who, after being sworn faithfully and impartially to discharge the trust reposed in them, shall examine the premises, and if, in their opinion, the cost of such work shall exceed the benefit derived therefrom, it shall be their duty to make report thereof to said commissioners, in writing, and shall state therein what portion of such work shall be chargeable to such lots or parcels of land, and how much, or what portion shall be chargeable to the ward fund; and such proportion as shall be reported as properly chargeable to the lots or parcels aforesaid, shall be assessed upon the same, and levied and collected as other taxes and assessments, and the remainder shall be paid out of the ward fund: *Provided, however*, That the petition of no owner, feeling himself aggrieved by an act of the street commissioners shall be received unless the same shall be presented within fifteen days after the first publication of the notice requiring the same to be done: *And provided further*, That when it shall appear to the street commissioners that lands belonging to the non-residents, infants, or persons laboring under any legal disability, who shall not be represented by any agent or guardian, or not benefitted by the making of streets in front of such lots or lands, to the amount of the cost and expense thereof, it shall then be the duty of said

To summon freeholders.

Shall examine premises.

To make report

Proviso.

Proviso.

To summon jury

commissioners to cause to be summoned a jury, as is here in provided.

Sec. 8. The street commissioners shall give notice t all owners or occupants of lots which may be deemed in

To give notice.

jurious to health by reason of stagnant water remainin thereon, in the official papers, for ten days, to abate suc nuisance, by draining or filling such lot within a reasons ble time therein to be specified, and if such nuisance shal

To abate nuisance.

not be abated or removed within the time so specified, th street commissioners shall cause the same to be abated an removed at the expense of the property upon which th same may exist.

Sec. 9. The street commissioners shall have power t

May construct wharves.

regulate and cause to be constructed, altered and maintain ed, wharves along the banks of the Milwaukee and Me nominee rivers, and shall have and exercise the same pow er and control over the said rivers, that they, may by vi tue of this act possess over streets and alleys. They shal

May dredge Milwaukee River.

also have power to cause the Milwaukee river to be dredge on each side thereof, not exceeding one hundred feet i width, and the expense of constructing, altering, an maintaining such wharves and dredging the river shall b

To apportion expense.

apportioned by the street commissioners among, and pay able by, the several lots or parcels of land extending t said river, in proportion to the work done opposite to suc lot or parcel of land, to be estimated by the surveyor: *Pro vided, however*, That before causing such work to be done

Proviso.

the same notices shall be given as is required in the cas of grading streets.

Sec. 10. After the completion and performance of an contract entered into by the street commissioners for wor

To give certificate.

chargeable to lots or lands by virtue of this act, they shal give to the contractor or contractors a certificate under thei hand, stating therein the amount of work done by suc contractor, the nature thereof, and the description of th lot or parcel of land upon which the same is chargeable which said certificate may be transferred by endorsemen thereon, and if the amount thereof shall not be paid be fore the time of making out the annual assessment roll, th

May be transferred.

same shall be assessed upon the said lots or parcels of lan respectively, and collected for the use and benefit of th holder of such certificate, as other taxes on real estate ar collected by virtue of this act; and if the notice to do th work required shall have been given as herein provided

How collected.

no informality or error in the proceedings shall vitiate suc

Powers.

assessment: *Provided*, That in no event where work i ordered to be done at the expense of any lot or parcel o

land, shall either the city or any ward be held responsible for the payment thereof.

Sec. 11. In all cases where work is ordered to be done by the owner of any lot, under the provisions of this chapter, such owner may make his appeal as hereinbefore provided, at any time within twenty days after the publication of the notice required to be given, and until the expiration of such twenty days, no such order shall be executed. May appeal.

Sec. 12. The aldermen of the first ward may cause the bayou in said ward to be filled, and shall cause the same to be done by contract, to be given to the lowest bidder in such manner as the common council shall by ordinance prescribe: *Provided, however*, That such contractor shall in no event hold the city or said ward responsible for the payment of any work he may do under said contract. It shall be the duty of the city surveyor to make an estimate and report to the common council the amount of filling opposite to each lot abutting on, or extending to, said bayou; and the common council shall levy a tax upon the several lots so abutting, in proportion to the amount of filling opposite to each lot as reported by the surveyor, which in the aggregate shall be sufficient to defray the expense of such filling, including all costs and charges connected therewith, but in no case shall either said ward or the city be responsible for the payment of any liability that may be created in pursuance of this section. The tax so levied shall become a lien upon the several lots for such amount as shall be reported by said surveyor, and shall be collected as other taxes levied under this act. May provide for filling bayou. Proviso. Council to levy tax.

CHAPTER VIII.—ASSESSING, LEVYING, AND COLLECTING TAXES.

Sec. 1. All property, real or personal, within the city, except such as may be exempt by the laws of this state, shall be subject to taxation for the support of the city government, and the payment of its debts and liabilities; and the same shall be assessed in the manner hereinafter provided; and the assessors elected under this act, shall have and possess the same powers, that are or may be conferred upon township assessors, except so far as they may be altered by this act: *Provided, however*, That the common council may prescribe the form of assessment rolls, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering, or adding to such rolls, as they may from time to time deem advisable. Property liable to taxation. Proviso.

Assessors to organize, make assessment roll &c

Sec. 2. Within ten days after receiving notice of their election, the assessors shall assemble at the common council chamber, and after taking their official oath, shall proceed to organize their body by electing one of their number chairman, who shall be authorized to administer such oaths as shall be required by this chapter; and within such time as the common council shall designate, the said assessors shall make out a complete and accurate assessment roll, which shall contain a description, as near as may be, of all the lands, lots, or parcels of land within said city sufficient to identify the same; and also of all persons or bodies politic, liable to pay taxes on personal property; and opposite to each lot or parcel of land, shall be affixed the value thereof; and opposite to the name of each person or body politic, shall be affixed the value of the personal property for which such person or body politic shall be assessed. Where there are buildings upon any lot or parcel of land, the value of the same shall be set forth in a separate column. The assessors may if they deem it advisable assess any lot or tract of land in such parcels or such subdivisions as they may deem proper, but it shall not be necessary to enter the name of the owner opposite to any tract or parcel of land. Any act done by a majority of the assessors shall have the same force and effect as if done by all the assessors elected under this act.

To meet to hear grievances, &c.

Sec. 3. When the same shall be completed, the assessors shall give one weeks' notice thereof in the official papers, and shall fix a time and convenient place where they will meet for the purpose of hearing any objections of parties deeming themselves aggrieved by such assessment; and after hearing the same, the assessors shall make such alterations or revisions as justice or equity may require: *Provided*, The time of hearing such objections shall not be extended more than two weeks from the expiration of such notice.

Council to examine roll.

Sec. 4. Within one week after the time limited for the hearing of such objections, the board of assessors shall return the said assessment roll to the common council, and they may confirm or refer the same back to the board of assessors. The common council may supply omissions in said roll, and for the purpose of equalizing the same, may alter, add to, take from, and otherwise revise and correct the same: *Provided, however*, The common council shall not have power to increase the amount of said roll, except by the value of such real property as may have been omitted by the assessors.

Proviso.

Sec. 5. When the assessment roll shall have been re-

rised and corrected, the same shall be filed with the clerk, and an order confirming the same shall be entered in the proceedings of the common council. Thereupon the common council shall, by resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, but not exceeding the authorized per centage, particularly specifying the purposes for which the same are levied, and if not for general city purposes, the ward upon which the same are levied.

Council to confirm assessment roll.

May levy tax.

Sec. 6. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed from the time of the confirmation of such assessment roll; and on all personal property of any person or body politic assessed for personal taxes, from the delivery of the warrant for the collection thereof, until such tax shall be paid; and no sale or transfer of such real or personal estate shall affect such lien. Any personal property belonging to the person taxed, may be taken and sold for the payment of taxes upon personal property.

Taxes to be a lien on real and personal property.

Sec. 7. As soon as said tax shall be levied, the common council shall cause the same to be copied in a book provided for that purpose, setting opposite to each tract of land, and to each person named, under proper columns, such sum or sums as may be levied upon such lot or against such person. The said copy shall be designated the tax list, and to it shall be appended a warrant, signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments in said list specified in the manner prescribed by this act; and in case said taxes and assessments shall not be paid within such time as in said warrant shall be specified, that then he shall proceed to sell the several lots or parcels of land, or those parts thereof, upon which said taxes or assessment shall remain unpaid, and to make due return to the common council within such time as shall be fixed in said warrant.

Tax list how verified.

Sec. 8. Such tax list, before being delivered to the treasurer, shall be compared by the clerk with the assessment roll, as confirmed; to it he shall append his certificate, that the same has been so compared by him, and that the said assessment roll, and the whole thereof, has been copied into such tax list; and the said tax list, when so certified, shall be *prima facie* evidence in any court, that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

Tax list to be compared with assessment roll.

Treasurer to give notice, &c.

SEC. 9. On the receipt of such tax list, the treasurer shall give one week's notice thereof in the official papers. Such notice shall specify that taxes on personal property shall be paid within twenty days from the first publication of said notice; and taxes and assessments on real estate, before the last day of December following; and that all tracts or parcels of land specified in said tax list, upon which the taxes and assessments shall not be paid by that day, will be sold at a certain time and place to be therein specified; and the publication of such notice shall be deemed a demand, and a neglect to pay the taxes and assessments within the time specified, shall be deemed a refusal to pay the same.

How delinquent tax may be collected.

SEC. 10. On the expiration of the twenty days mentioned in the preceding section, the treasurer shall proceed to enforce the collection of the personal taxes in the manner specified in title five of the Revised Statutes, and if any of such personal taxes shall not be paid or collected in consequence of the neglect or delay of the treasurer, the common council may sue for and recover the amount thereof from the said treasurer and his sureties. In case the taxes on personal property shall not be paid within the time limited in the ninth section of this chapter, the treasurer may issue his warrant directed to the city marshal, requiring and commanding him within a certain time in such warrant to be specified, to proceed and collect such taxes on personal property as shall then remain unpaid. And the marshal receiving such warrant shall be subject to all the liabilities, and shall have all the powers of levying, distraining, and selling, that are herein given to the treasurer, and shall be entitled to the fees for collecting which the treasurer would have, had the tax been collected by him.

Treasurer to sell &c.

SEC. 11. On the day and at the place designated in the treasurer's notice, he shall commence by public auction the sale (and continue the same from day to day till the whole are disposed of,) of all tracts and lots, or parts thereof, upon which the taxes or assessments shall remain unpaid. The sale to be made for the smallest undivided portion of the lot or tract for which any person will take the same and pay the taxes and charges thereon. On receiving the amount of such taxes and charges, the treasurer shall issue to the purchaser, his or her heirs or assigns, a certificate, containing the name of the purchaser, a description of the premises sold, the amount paid therefor, the rate of interest said certificate may bear, and the time when the right to redeem the same will expire. The treasurer shall keep a

record of the lots or tracts sold, the name of the purchaser, the date and amount of sale, the time, by whom, and for what sum the same was redeemed, and the time and to whom the same was conveyed if not redeemed.

Penalty for neglecting to pay for tax certificate,

Sec. 12. In case any purchaser at such tax sale shall neglect or refuse to pay the amount for which any lot or tract was sold, at such time as the treasurer shall designate, he shall, on the day following, offer said lot or tract again for sale; and any person bidding off, at any such sale, any lot or tract of land, and refusing or neglecting to pay for the same within the time designated, shall forfeit and pay to the city the sum of five dollars, for each lot so purchased and not paid for, to be sued for and collected as other penalties under this act.

Time of redemption.

Sec. 13. Any lot or tract of land so sold, or any portion thereof, may be redeemed within three years from the day of sale, and at any time before the deed is executed, by the owner or any person interested therein, paying to the treasurer the amount for which the same was sold, together with the interest at the rate of twenty-five per cent. per annum, and the legal charges thereon. If the estate of an infant or lunatic be sold, the same may be redeemed upon the like terms, at any time within one year after such disability shall be removed.

If not redeemed treasurer to convey.

Sec. 14. Any tract or lot of land sold in pursuance of this act, or any part thereof, which shall not be redeemed within three years from the day of sale, shall be conveyed by the treasurer to the purchaser, or his assigns, as herein provided.

Assignee to have deed.

Sec. 15. The assignee of any tax certificate, by endorsement thereon, of any premises sold for taxes by virtue of this act, shall be entitled to receive a deed of such premises in his own name and with the same effect, as though he had been the original purchaser.

If no bidders, the property to be struck off to the city.

Sec. 16. If at any sale of real or personal estate for taxes or assessments, no bid shall be made for any parcel of land, or any goods and chattels, the same shall be struck off to the city; and thereupon the city shall receive, in the corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers are. If the city shall become the purchaser of any personal property by virtue of this chapter, the treasurer shall have the power to sell the same at public sale; and in case the city shall become the purchaser of any real estate at any tax sale, the treasurer is authorized to sell the certificates issued therefor, for the amount sold and interest, and to endorse and transfer such certificate to the purchaser.

In case of omissions tax to be reassessed.

Sec. 17. If it shall appear to the assessors that any lot or parcel of land was omitted in the assessment roll of either or both of the two preceding years, and that the same was then liable to taxation, they shall, in addition to the assessment for that year, assess upon the lot or tract so omitted, for such year or years that it shall have been so omitted, the just value thereof, noting the year when such omission occurred; and such assessment shall have the same force and effect as it would have had, if made the year when the same was omitted; and the common council shall direct, in addition to the tax for the current year, such tax to be levied upon such lot or tract as the same would have been chargeable with, had not the same been so omitted, and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes that may have been omitted, in whosesoever hands they may have come. Should the tax or assessment upon any parcel of land be set aside or declared void, by reason of any defect or informality in the assessing, levying, selling, or conveying the same, but not effecting the equity and justice of the tax itself, the common council shall cause the tax or assessment so set aside or declared void, to be relevied in such manner as they shall by ordinance direct:

Proviso.

Provided, That if the defect was in the assessment, the same shall again be assessed at such time as the common council may direct; and the said tax or assessment so reassessed or relevied, shall be and continue a lien upon said lot or tract, and shall be collected as other taxes and assessments are collected under this act.

Tax deeds to be prima facie valid

Sec. 18. All deeds purporting on their face to be executed on account of sale for taxes or assessment under this act, shall be in all cases *prima facie* evidence of the validity of such tax, and if the title conveyed by such deed shall come in question, shall be *prima facie* evidence of all facts recited in such deeds, so far as they effect the validity of the title conveyed by such deed.

Error not to vitiate tax.

Sec. 19. All the direction hereby given for the assessing of lands, and the levying and collection of taxes and assessments, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise effect the validity of the tax or assessment.

Treasurer to receive all redemption monies.

Sec. 20. The treasurer shall receive all moneys that may be legally tendered him for the redemption of lands sold for taxes, and he shall keep an account thereof, and pay the same over on demand, to the persons entitled to

receive the same. He shall cancel all certificates so redeemed, and preserve the same in his office, and at the expiration of his term of office, he shall deliver over to his successor all redemption moneys in his hands, with a statement of the amount so received.

Sec. 21. In all cases where by the provisions of this act, any charge or assessment is made a lien upon land, the amount of such charge or assessment shall be carried out on the tax list in a separate column or columns, opposite the lot or tract upon which the same may be a lien; and the treasurer may collect and sell, and do all other acts in regard thereto, in the same manner as if the amount of such lien was a general tax.

Assessment when a lien, how collected.

Sec. 22. The treasurer, in addition to such sum as the common council may allow him, shall be entitled to the following fees, to wit: five per cent. on all sums collected on personal tax, the same to be added to the amount of the personal tax of each person taxed; and in case of a distress and sale by him, of goods and chattels, for the payment of any tax, he shall be entitled to such fees as are allowed sheriffs on sales of goods under execution. For each certificate by him issued on sale of lands for payment of taxes or assessments, ten cents, to be added to the amount of such tax or assessment, and included in such certificate; for each lot redeemed, for which he shall issue a certificate, twenty-five cents, and five cents for each additional lot embraced in such certificate, to be paid by the person redeeming; for each tax deed executed by him, one dollar; and five cents for each additional lot or tract embraced in the same deed, to be paid by the person receiving the same.

Fees of Treasurer.

Sec. 23. All those parts of sections nineteen, twenty, twenty-one, twenty-two, twenty-nine, thirty, thirty-one and thirty-two, included within said city limits, that are used for farming purposes, and not laid out into city lots, or for town or city purposes, shall be exempt from all taxes and assessments authorized by this act, except for state, county, school, and poor purposes; but the common council may levy upon the lands so exempt, an annual tax of four mills on the dollar, one-half of which shall be applied to general city purposes, and the remainder to the ward in which the lands may lie.

Lands not laid out to be exempt &c.

Sec. 24. Whenever any person shall bid off any lot offered for sale for taxes, which lot shall have been bid off in the name of the city for the taxes of any previous year, and shall, at the time of such subsequent sale remain the property of the city, such person shall, before being entitled to his certificate of such sale, purchase of the city its

When holders of tax certificate to purchase of city.

certificate, by paying the amount of principal, interest, and charges thereon, and receive from the treasurer an assignment thereof.

How lands to be redeemed in certain cases.

Sec. 25. When there shall be a sale by the county treasurer, and by the city treasurer of any piece or parcel of land for taxes, in the same year, the purchaser of such piece or parcel who may be first in point of time, may redeem the same from the subsequent purchaser, and in case he shall not redeem, the right of the last purchaser shall be held paramount in case of the execution of any tax deed therefor. If the first purchaser in point of time shall so redeem, it shall be the duty of the proper officer to make an entry in the sale book of the character in which such person may redeem, and the person so redeeming shall be substituted to all the rights of the holder of the certificate, so redeemed as aforesaid.

Person before instituting suit to pay or tender taxes due.

Sec. 26. No person shall be permitted to institute any proceeding to set aside any assessment or special tax hereafter levied or assessed upon any lot or tract of land, or to set aside any deed executed in consequence of the nonpayment of such taxes and of the sale of the premises therefor, unless such person shall first pay or tender to the proper party, or deposit for his use with the treasurer, the amount of all state, county, and city taxes that may remain unpaid upon such lot or tract, together with the interest and charges thereon.

County and State Taxes.

Clerk of city to furnish copy of assessment roll to supervisors.

Sec. 27. Before the annual meeting of the board of supervisors of the county of Milwaukee, in the fall, it shall be the duty of the city clerk to cause a copy of the assessment roll of said city for such year, to be transmitted to the clerk of the board of supervisors, who shall lay the same before the board of supervisors at their meeting.

Supervisors may equalize &c.

Sec. 28. The board of supervisors shall have the right of equalizing the assessment rolls of the towns in said county, and of said city, as provided by law; but in such equalization shall consider the assessment roll of said city as an entire roll, and shall not change the relative valuations of the different wards.

How tax may be levied.

Sec. 29. The said board of supervisors may levy a tax, as now provided by law, but shall therein proceed without regard to the division of the city into wards, and shall cause the amount of taxes to be levied, and the purposes to be certified to the city clerk, in the manner provided by the general laws of this state; and the said city clerk shall

make out a tax list for that purpose, separate from the tax list for city purposes, and shall deliver the same to the city treasurer, as provided by law.

City treasurer to conform to state law.

Sec. 30. The treasurer of the city, in giving bonds, collecting such tax, and making his return to the county treasurer, and (*and*) in all other respects shall conform to the general laws of the state, except that the return to the county treasurer shall be for the city and not for the wards.

CHAPTER IX.—FIRE DEPARTMENT.

Council to prevent erection of buildings.

Sec. 1. The common council, for the purpose of guarding against the calamities of fire, shall have power, and it shall be their duty, to prescribe the limits within which wooden buildings, or buildings of other materials that shall not be considered fire proof, shall not be erected, placed, or repaired, and to direct that all and any buildings within the limits prescribed, shall be made and constructed of fire proof materials, and to prohibit the repairing or re-building of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage.

May prevent the erection of insecure chimneys.

Sec. 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers, and apparatus used in and about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous;

Other powers & duties.

To prevent the deposit of ashes in unsafe places;

To require the inhabitants to provide as many fire buckets and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire;

To regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires;

To regulate and prevent the use of fire works and fire arms;

To compel the owners and occupants of buildings to have scuttles in the roofs, and stairs or ladders leading to the same;

To authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of any fire, all idle and suspected persons, and to compel all by-standers to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention

and extinguishment of fires as the common council may deem expedient.

May provide for fire companies.

Sec. 3. The common council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder, and hose companies, and to provide for the due and proper support and regulation of the same; and to order such companies to be disbanded, and their meetings to be prohibited, and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men, between the ages of eighteen and fifty years, and may elect their own officers, and form their own by-laws, not inconsistent with the laws of this state, or the ordinances or regulations of said city, and shall be formed only by voluntary enlistments. Every member of each company hereby authorized to be formed, shall be exempt from highway work and poll tax, from serving on juries, and from military duty, during the continuance of such membership; and any person having served for the term of seven years, in either of said companies, shall be forever thereafter exempt from serving on juries, from poll tax, and from military duty, except in cases of insurrection or invasion.

Organization of companies.

Annual meeting.

Sec. 4. There shall be a meeting of the members of said companies on the third Monday of March in each year, at such place as may be designated by the chief engineer, when they may nominate and recommend to the common council for appointment, one chief engineer, and three assistant engineers, and the common council shall thereupon confirm said nominations; and the persons so appointed shall perform such duties as the common council shall prescribe.

Chief engineer.

Fire wardens.

Sec. 5. At the same time, the members of said companies shall nominate, and the common council shall appoint the same, ten fire wardens, who shall perform such duties as the common council shall prescribe; and they may at any time enter in, to, or upon any house, store, barn, or other building or enclosure, for the purpose of inspecting the same.

How fines paid.

Sec. 6. One-half of the net proceeds of all fines and penalties recovered for the breach of any ordinance, by-law, or regulation, made in pursuance of this chapter shall be paid to the fire department.

Sec. 7. Whenever any person shall refuse to obey any lawful order of any engineer, fire warden, mayor, or alderman, at any fire, it shall be lawful for the officer giving such order, to arrest, or to direct orally, the marshal, constable, watchman, or any citizen, to arrest such person,

and to confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner, such officers, or any of them may arrest or direct the arrest and confinement of any person, at such fire, who shall be intoxicated, or disorderly; and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding fifteen dollars. Penalty for refusing to obey orders.

Sec. 8. The common council shall have power to organize a sack company, or continue in force any such company now organized, which shall be known as Sack Company, Number One, to consist of not more than seventy members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the chief engineer. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Milwaukee, and are hereby vested with all the powers and authority which now [is] or may be hereafter vested in any police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department. At fires, they shall take charge of all property which may be exposed or endangered, and shall, so far as it may be in their power, preserve the same from injury or destruction. Said company may, from time to time, adopt such by-laws and regulations as they may deem necessary, not inconsistent with the laws of the state. The members of said company shall not be entitled to any pay or compensation for services rendered in their official capacity. They shall, in case of riot or disturbance of the peace have free access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same. The members of said company shall severally take an oath or affirmation that they will faithfully discharge the duties of their said office, and when any member of said company shall cease to be a member thereof by resignation, expulsion, or otherwise, notice thereof shall be given to the city clerk and police justice, and they shall preserve a record of all the members of said company. May organize Sack Co. Powers and duties.

CHAPTER X.—MISCELLANEOUS PROVISIONS.

Sec. 1. All work for the city, or either of the wards, shall be let by contract to the lowest bidder, and due no- Contracts to be let to lowest bidder.

tice shall be given of the time and place of letting such contract.

Appropriations.

Sec. 2. No moneys shall be appropriated for any purpose whatever, except such as are expressly authorized by this act.

How penalty remitted.

Sec. 3. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a vote of two-thirds of all the aldermen elect.

How actions brought.

Sec. 4. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the clause of this act, or by-law, or ordinance, under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

How commenced

Sec. 5. In all prosecutions for any violation of any of the provisions of this act, or any by-law or ordinance, the first process shall be a summons, unless oath be made for a warrant as in other cases.

Executions.

Sec. 6. Execution shall issue forthwith on the rendition of the judgment, unless the same be stayed or appealed according to the laws of this state. The execution shall require the defendant in any such action, in case no goods or chattels, lands or tenements, whereof the judgment can be collected, be found, to be imprisoned in the jail of Milwaukee county, for a term not exceeding six months, in the discretion of the justice or judge rendering judgment, unless the same be sooner paid.

Inhabitants not incompetent jurors, &c.

Sec. 7. No person shall be an incompetent judge, justice, witness, or juror by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Ordinances, &c., to remain in force.

Sec. 8. All ordinances, regulations, or resolutions now in force in the city of Milwaukee, and not inconsistent with this act, shall remain in force under this act until altered modified, or repealed by the common council after this act shall take effect.

To prosecute suits

Sec. 9. All actions, rights, fines, penalties, and forfeitures, in suit or otherwise, which have accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

Failure to hold election not to dissolve corporation.

Sec. 10. If any election by the people or common council shall, for any cause, not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein provided, it shall not be considered reason for arresting, suspending, or absolving said

corporation, but such election or organization maybe had on any subsequent day, by order of the common council; and if any of the duties enjoined by this act, or the ordinances or by-laws of the city, to be done by any officer at any specified time, and the same are not then done or performed, the common council may appoint another time at which the said acts may be done and performed.

Bridges.

Sec. 11. Bridges shall be maintained and supported across the Milwaukee and Menominee rivers, at the expense of the city as follows: one from Water Street in the first ward, to the foot of Cherry Street, in the second ward; one from the foot of Wisconsin Street in the first and third wards, to Spring Street, in the fourth ward; one from the foot of Water Street in the third ward to Ferry Street, in the fifth ward; and one across the Menominee river, at the foot of West Water Street. All of said bridges except the first, shall contain draws sufficient for the passage of vessels.

Tax for bridges.

Sec. 12. It shall be the duty of the common council to levy a tax upon the taxable property in the first and third wards of said city to defray the expenses of the first construction of the bridge at the foot of Cherry Street, and it shall be the duty of the street commissioners of the second ward to cause all necessary grading to be done in order to make such bridge connect with the main land on the west side of the river, and to render the road thereto passable.

Laws to protect bridges.

Sec. 13. The general laws for the preservation of bridges, and the punishment by such laws provided for the wilful and malicious injuries done thereto, are hereby extended to, and shall include all of said bridges, and shall apply to any wilful or malicious damage which may be done to either of them by any person or persons whatever; and the common council may, from time to time, make such by-laws or ordinances as they may deem necessary, for the preservation of such bridges, and enforce the same by adequate penalties. In case of any damage being done to any of said bridges by any vessel or water crafts, or by the master or any person in command thereof, such vessel or water craft may be proceeded against under the law to provide for the collection of demands against boats and vessels.

How suit brot

Sec. 14. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process, by the proper officer, with the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof, or take such

other proceedings as by the ordinances or resolutions of said council may be in such case provided.

Property exempt

SEC. 15. The following property, now, or at any time hereafter, belonging to said city, or either of the wards thereof, shall be exempt from levy and sale, under or by virtue of any execution: engine houses, hook and ladder houses, together with the grounds and lots on which they are situated, and all fire engines, carriages, hooks, ladders, buckets, hose, or any other fire apparatus used by any company created or authorized by the common council of said city; school and market houses, and the furniture thereof, and furniture of common council and office rooms: *Provided*, That nothing herein contained shall exempt any of the aforesaid real or personal property from levy and sale, by virtue of any execution issued on judgments rendered in favor of any person or persons who may have furnished or sold any such fire apparatus to, or on the credit of said city. Nor shall any real or personal property of any inhabitants of said city, or of any individual or corporation be levied on and sold by virtue of any execution issued to satisfy or collect any debt, obligation, or contract of said city.

Proviso.

To appoint commissioners.

SEC. 16. The common council shall, at its first meeting, appoint five commissioners, one from each ward, who, with the assistance of the city surveyor, or such other assistant surveyors as the council may appoint, shall cause a new and accurate survey to be made of the lines and boundaries of all the streets, alleys, side walks, public grounds, wharves, and blocks, and shall cause to be established such permanent land marks as they may deem necessary, and to cause an accurate plot or plots thereof to be made and certified to by the said surveyor and commissioners, which shall be filed in the office of the city surveyor, and a copy thereof shall be recorded in the office of the register of deeds of Milwaukee county.

Survey to be prima facia evidence.

SEC. 17. The survey and land marks so made and established, shall be *prima facie* evidence of the lines and boundaries of all streets, alleys, side walks, public grounds, wharves, and blocks, in all cases in which they shall be drawn into controversy in all courts of this state.

To establish grade.

SEC. 18. As soon as practicable after the completion of such survey, the common council shall cause to be established, under the direction of the city surveyor, the grade of all streets, side walks, and alleys in said city, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of deeds of Milwaukee county; and should the grade so established be

at any time hereafter altered, all damages, costs, and charges arising therefrom, shall be paid by the city to the owner of any lot or parcel of land or tenement, which may be affected or injured in consequence of the alteration of such grade.

Commissioners to draft ordinances, &c.

Sec. 19. The common council shall appoint one or more commissioners, whose duty it shall be to report to the common council, within a reasonable time, a draft of all ordinances, by-laws, rules, regulations, and forms, that may be necessary to carry this act fully into effect, and more fully to define the powers and duties, and fix the compensation of the sveral officers created or authorized by this act. The said ordinances, by-laws, &c., when they shall have been adopted by the common council, shall be published in a convenient form, together with this act, and the same, when so published, shall be admitted as evidence in any court within this state, of the passage and publication of such ordinances, without any further publication in the official paper.

Market house in first ward.

Sec. 20. The market house and the lands appertaining thereto, in the first ward, shall be the property of said ward, and the aldermen of said ward, or a majority of them, shall have the right to lease, manage, and control the same, and shall have all authority in relation to said market house, which they now may have by virtue of any law of this state. The common council, with the consent of a majority of said aldermen, may pass ordinances applicable to the first ward alone, to control and regulate markets, and the selling of meats and other provisions, and to confine the same to such limits as they may deem proper.

City may purchase real estate.

Sec. 21. The said city may lease, purchase and hold real or personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation.

Subject to special tax.

Sec. 22. Real estate exempted from taxation by the laws of the state shall be subject to special taxes as other real estate, under this act.

Sec. 23. No general law of this state, contravening the provisions of this act act shall be considered as repealing, amending, or modifying the same, unless such purpose be expressly set forth in such law.

Road districts.

Sec. 24. On the petition of a majority of the inhabitants liable to pay poll tax, of any district in any ward, and consisting of contiguous territory bounded by ward lines, or the centre of streets or alleys, the street commissioners of such ward may constitute such district a road

district; and appoint any person named in such petition, or if no person be named, then any proper person, road master for such district, and the person so appointed shall have all the powers of overseers of roads as provided in the title VI of the revised statutes, and shall report to the street commissioners when required: *Provided, however*, That no road master shall receive more than one dollar for each day he is actually employed in the business of his office, and he shall receive such compensation out of the moneys collected on such poll tax; and that in no case shall any moneys be drawn either from the ward or city funds for the compensation of road masters, or for any work performed by them or under their supervision.

Proviso.

SEC. 25. The common council may borrow, on the faith of the city, a sum not exceeding four thousand dollars, for the purpose of completing and furnishing the public schools within the city, for a term not exceeding ten years, and at an interest not exceeding ten per cent., and may issue the bonds of the city therefor, and shall provide for the payment of the interest thereon. Should said sum not be sufficient to complete and furnish said schools, it shall be the duty of the aldermen of the several wards, to complete and furnish the same out of the funds of their respective wards.

May borrow money.

REPEALING CLAUSE.

SEC. 26. An act to incorporate the city of Milwaukee, approved 31st January, 1846; an act relating to bridges in the city of Milwaukee, approved 2d February, 1846; an act relating to certain streets in the city of Milwaukee, approved 2d February, 1846; an act to amend an act entitled an act to incorporate the city of Milwaukee, approved 4th of February, 1847; an act to authorize the levy of a special tax in the third ward, approved 11th march, 1848; an act to authorize a special tax in the fifth ward, approved 11th March, 1848; an act additional to an act to incorporate the city of Milwaukee, approved 10th August, 1848; an act amendatory to an act entitled an act to authorize the levy of a special tax in the fifth ward of the city of Milwaukee, approved 19th August, 1848; an act additional to an act to incorporate the city of Milwaukee, approved 19th August, 1848; an act to amend an act entitled an act to incorporate the city of Milwaukee, and acts amendatory thereto, approved 12th March, 1849; an act in relation to the collection and return of taxes, &c., for the year 1849, approved 24th Jan-

Acts repealed.

nary, 1850; an act to authorize the construction of a wharf in the city of Milwaukee, approved 4th February, 1850; an act to provide for the election of certain officers in the city of Milwaukee, approved 8th February, 1850; an act giving criminal jurisdiction to justices of the peace in the fifth ward, approved 9th February, 1850; an act to authorize the levy of a special tax in the third ward of the city of Milwaukee, approved 9th February 1850; an act to authorize the construction of wharves in the city of Milwaukee, approved 6th March, 1851; an act to authorize the aldermen of the third ward to pave certain streets in said ward, approved 13th March, 1851; an act supplementary and amendatory to an act entitled an act to incorporate the city of Milwaukee, and acts amendatory thereto, approved 15th March, 1851; an act to incorporate the city of Milwaukee, approved 15th March, 1851; and an act in relation to streets, alleys, and sewers in the city of Milwaukee, approved 15th March 1851, are hereby repealed; but the repeal of said acts and parts of acts shall not in any manner affect, injure or invalidate any contracts, acts, suits, claims, or demands, that may have been entered into, performed, commenced, or that may exist under or by virtue, or in pursuance of the said acts or any of them, but the same shall exist and be enforced and carried out as fully and effectually to all intents and purposes as if this act had not been passed. And all ordinances, resolutions, regulations, rules, by-laws, and orders of the common council of said city, or parts thereof, not repealed, suspended, or made void by this act, shall continue and remain of the same force and effect (*and*) [as] if this act had not been passed, until altered, amended, repealed or suspended by the common council in pursuance of this act.

When to take effect.

Sec. 27. This act shall take effect from and after its passage; and not more than six days' notice shall be required of the first election to be held under this act, any thing contained in the same to the contrary notwithstanding.

C. LATHAM SHOLES,
Speaker pro tem. of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, February 20, 1852.
LEONARD J. FARWELL.

[*Published, February* 21, 1852.]

Chap. 57.

An Act to appropriate to Carpenter & Tenney the sum therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to Carpenter & Tenney the sum of one hundred and twenty dollars, in full for 6000 charts ordered by the Senate and House by resolution.

C. LATHAM SHOLES,
Speaker pro tem. of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, February 20, 1852.
LEONARD J. FARWELL.

Chap. 58.

An Act appropriating to A. & J. Manning the sum therein named.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Abraham and Thomas Manning, to be paid out of any money in the treasury not otherwise appropriated, the sum of twenty dollars, in full for work and labor in and about the capitol up to January 17th, 1852.

C. LATHAM SHOLES,
Speaker pro tem. of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved, February 27, 1852,
LEONARD J. FARWELL.

Chap. 59.

An Act to authorize the construction of a dam across the Manitowoc River.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Authorized to build dam.

SECTION 1. Charles Klingholz and Richard Klingholz, their associates, successors, heirs, and assigns, are hereby authorized to erect and maintain a dam across the Manitowoc river, on the north-east quarter of section number sixteen of township nineteen, north of range number twenty-three, east of the fourth principal meridian, in the county of Manitowoc, and to make use of the water of said river for hydraulic purposes: *Provided*, That the construction of said dam shall in no way infringe upon the rights of other persons not herein named.

Proviso.

Sec. 2. The said dam shall not exceed ten feet in height from the water-mark, and shall be so constructed as to admit of the passage of all descending rafts and water crafts which shall at all times be entitled to pass said dam free of all charges to the owner or owners of said rafts or water crafts. Height of dam.

Sec. 3. The legislature may at any future time alter or amend this act, when it shall be deemed proper to provide for the improvement of the Manitowoc river.

C. LATHAM SHOLES,
Speaker pro tem. of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, February 28, 1852.
LEONARD J. FARWELL.

An Act to appropriate to S. M. Booth the sum therein named.

Chap. 60.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Section 1. That the sum of sixteen dollars and eighty cents is hereby appropriated to S. M. Booth, to be paid out of any money in the treasury not otherwise appropriated, in full for publishing notice of judicial election in the second judicial circuit, by order of the Secretary of State.

C. LATHAM SHOLES,
Speaker pro tem. of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved February 28, 1852.
LEONARD J. FARWELL.

An Act to amend an act entitled, "an act to incorporate the Potosi and Dodgeville Rail Road Company," approved February the 10th, 1851.

Chap. 61.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. An act entitled an act to incorporate the Potosi and Dodgeville Rail Road Company, approved February the 10th, 1851, is hereby so amended that section nine of said act shall be so construed that the said Potosi and Dodgeville Rail Road Company shall have power to make, construct, and erect, all such warehouses, machine shops, carriages, cars, and other works and appendages as may be necessary for the convenience of said company, to the use of the said rail road, and to connect the same with Act amended.

other railroads which may hereafter be constructed in the state of Wisconsin, or approach the said state line in the state of Illinois.

Authorised to borrow money.

Sec. 2. The Potosi and Dodgeville Rail Road Company are hereby authorized and fully empowered in their corporate capacity, to borrow any sums of money from any person or persons, corporations or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company, and any person or party of whom such money may be obtained, and make and execute in their corporate name, all necessary writings, notes, bonds, or other papers that may be requisite in obtaining such loan.

C. LATHAM SHOLES,
Speaker pro tem. of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.
Approved, February 28, 1852.
LEONARD J. FARWELL.
[*Published, March* 24, 1852.]

Chap. 62.

An Act to extend the time for making the apportionment of the [income of the] School Fund.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

When monies to be distributed.

Section 1. The income of the state fund for the support of common schools which shall have been received up to the tenth day of March in each year, shall in this year and each subsequent year be distributed between the tenth and fifteenth days of March, among the towns and cities entitled to receive the same.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, March 3, 1852.
LEONARD J. FARWELL.
[*Published March* 5, 1852.]

Chap. 63.

An Act to incorporate the Mechanics' Institute of the village of Janesville.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. Josiah F. Willard, Ira Miltimore, James M. Burgess, Norman M. Carrier and Adam O. Buck, to-

gether with such other persons as may become associated with them under this charter, are hereby constituted a body politic and corporate, located in the village of Janesville, by the name of the Janesville Mechanics' Institute. Created a body corporate.

Sec. 2. The objects of said corporation shall be to diffuse knowledge and information throughout the mechanical classes; to found lectures on natural, mechanical, and chemical philosophy; and other scientific subjects; to create a library and museum for the benefit of mechanics and others; and to establish schools for the benefit of their youth; and to establish annual, or other fairs, and suitable exhibition grounds for the same. Objects defined.

Sec. 3. The said corporation shall have power to contract and be contracted with, sue and be sued, implead and be impleaded with, answer and be answered unto, in all courts of this state, and shall be vested with all the powers and privileges necessary to carry out and fulfill the objects of their corporation. Powers.

Sec. 4. The said corporation shall have further power to establish for its government a constitution and by-laws, not inconsistent with the constitution or laws of this state; to have and use a common seal, and alter the same at pleasure; to erect a building in or near the village of Janesville for its accommodation, and to that end to obtain and hold or convey a lot or lots of land in or near said village, not exceeding in value twenty-five thousand dollars, and such amount of personal property as the said institute may obtain by purchase, donation or otherwise. Further powers

Sec. 5. The property, real and personal, of said corporation shall be devoted solely to the purposes and objects of said institute, as set forth in the second section of this act. How property to be devoted

J. McM. SHAFTER.
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, March 3, 1852.
LEONARD J. FARWELL.
[*Published, March* 17, 1852.]

An Act to vacate Brooks street in Hackett's Addition to the village of Beloit.

Chap. 64.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That Brooks street in Hackett's Addition to the village of Beloit, Rock county, and block number thir-

Street vacated.

teen, together with the street adjoining the same on the east and south in Hanchett's and Lawrence' Addition to said village, be and the same are hereby vacated.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.

Approved, March 3, 1852.
LEONARD J. FARWELL.

Chap. 65.

An Act to incorporate Racine College.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Created a body corporate.

Section 1. That Roswell Park, Elias Smith, Isaac Taylor, Philo White, Isaac J. Ullman, Matthew B. Mead, Nelson Pendleton, Marshall M. Strong, Joseph H. Nichols, Jackson Kemper, Benjamin Akerly, Thomas J. Ruger, William Adams, Eleazer A. Greenleaf, J. Bodwell Doe, Asahel D. Cole, and their successors be and they are hereby created a body corporate and politic, to be styled the board of trustees of Racine College, and by that name to remain in perpetual succession, with full power to sue and

Powers.

be sued, plead and be impleded, to acquire, hold, and convey property, real and personal, to have and use a common seal, to alter and renew the same at pleasure, to make and alter from time to time such by-laws as they may deem necessary, for the government of said institution, its officers and servants: *Provided*, Such by-laws are not inconsistent

Proviso.

with the constitution and laws of the United States or of this State; also to have power to confer on those whom they may deem worthy, all such honors and degrees as are usually conferred in like institutions.

To be located at Racine.

Sec. 2. That the said college shall be located within the town or city of Racine, in the county of Racine, and shall be erected on a plan sufficiently extensive to afford instruction in the liberal arts and sciences; and the trustees may, as their ability shall increase, and the interest of the country require, erect any or all of the different departments for the study of the liberal professions, in such locations as may be most feasible either in the town or city of Racine.

Powers of trustees.

Sec. 3. That the board of trustees shall have power to appoint a president, vice president, and treasurer, and such agents as they may deem necessary, and shall fill all vacancies that may occur in their own board, by resignatio

death, or neglect for more than one year to attend to the duties of the trustees; also to appoint such officers, professors, and teachers, as the institution and government of the institution shall require, and prescribe their duties, and to remove any of them for sufficient reasons; also to prescribe and direct the course of studies to be pursued in the institution and its departments.

No. of trustees. Sec. 4. That the board of trustees shall consist of twelve members with power to increase their number to twenty-four, and seven of whom shall constitute a quorum for the transaction of business. Said board of trustees shall hold their first annual meeting in the city of Racine, on the second Wednesday of March, one thousand eight hundred and fifty-two; and afterwards they shall meet on their own adjournments, but in case of emergency the president, with the concurrence of two trustees, may call a special meeting, or any five members may call such meeting, by giving notice to such members at least ten days before the time of such meeting.

First annual meeting.

How funds to be used. Sec. 5. That the board of trustees shall faithfully apply all funds by them collected or received, according to their best judgment, in erecting suitable buildings, supporting the necessary officers, instructors, and servants, and in procuring books and apparatus necessary to the success of the institution: *Provided, nevertheless*, That in case any donation or bequest be made for particular purposes, which accord with the designs of the institution, and the corporation shall receive and accept the same, every donation or bequest thus made, shall be applied in conformity to the conditions or designs expressed by the donor.

Treasurer to give bonds. Sec. 6. That the treasurer of the institution shall always, and all other agents when required, before entering upon the duties of their appointment, give bond for the security of the corporation and of the public, in such penal sums, and with such sureties, as the board of trustees shall approve.

No religious test requisite. Sec. 7. That no religious tenets or opinions shall be requisite to entitle any person to be admitted as a student of said college, and no student of said college shall be required to attend religious worship in any particular denomination unless it be desired by parent, guardian, or patron.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, March 3, 1852.
LEONARD J. FARWELL.

[*Published, March* 26, 1852.]

Chap. 66.

An Act to incorporate the Racine Female Seminary.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Created a body corporate.

SECTION 1. That Isaac Taylor, Daniel Slauson, Isaac M. Hill, Reuben M. Norton, Orville W. Barnes, Chester W. White, Charles Herrick, Ezra F. Weed, Nelson A. Walker, Philo White, Eliphalet Crane, William Mosher, Walter Cooley, John Dorchester, Elisha Raymond, and Marshall M. Strong, and their successors, are hereby created a body corporate and politic, with the name and style of the Racine Female Seminary, and shall be trustees of said corporation, and for that purpose to remain in perpetual succession.

Powers.

SEC. 2. Said corporation shall have all the powers and privileges, and be subject to the restrictions and liabilities of chapter fifty-four of the revised statutes of Wisconsin, entitled, general provisions relating to corporations.

Further powers.

SEC. 3. The said trustees and their successors shall have power and authority to direct and prescribe the course of study and discipline in said institution, and also to direct and appoint a president or principal, and such professors, tutors, and teachers, and such other officers as said trustees shall deem proper; all of whom shall hold their offices during the pleasure of said trustees.

SEC. 4. The said trustees and their successors shall have power and authority to grant such literary honors and degrees as they may think best.

Term of trustee.

SEC. 5. The said trustees shall continue in office during their life or pleasure, unless removed as hereinafter provided. A majority of them shall constitute a quorum for doing business, and they shall have power to fill all vacancies in their numbers. Any trustees may be removed by a vote of two-thirds of the board.

May hold real estate.

SEC. 6. Said corporation shall have power to hold real estate sufficient for all necessary purposes connected with the institution.

SEC. 7. This act shall take effect from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, March 3, 1852.
LEONARD J. FARWELL.
[*Published, March* 26, 1852.]

An Act to legalize the official acts of the Town Superintendent of schools of the town of Turtle in Rock County. **Chap. 67.**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That the official acts of B. F. Murray, town superintendent of schools of the town of Turtle for the current year, are hereby declared to be as legal and binding in all respects as the same would have been, had the said Murray filed his official bond within ten days after being notified of his election: *Provided*, That this act shall not be so construed as to legalize the acts of said B. F. Murray relating to the formation of joint school districts in the towns of Turtle and La Prairie in Rock county. Acts legalized.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, March 3, 1852.
LEONARD J. FARWELL.

An Act to provide for laying out a state road therein named. **Chap. 68.**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That H. W. Kingsbury, John Kingston, and William Ward, be and are hereby appointed commissioners to lay out and establish a state road, commencing at the dwelling house of Thomas Rich, in the county of Adams, running by way of Big Dells, Kingsbury's ferry and Necedah in said county to the Grand Rapids in the county of Portage: *Provided*, That no part of the expense of laying out said road shall be paid out of the state treasury. Commissioners appointed. Proviso.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, March 3, 1852.
LEONARD J. FARWELL.

An Act to vacate a part of the village plat of the town of West Depere in the county of Brown. **Chap. 69.**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That all that part of the town plat of the village of West Depere in the county of Brown, which is Part of plat vacated.

situated west of Fourth Street, be and the same is hereby vacated.

Sec. 2. This act shall take effect from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, March 3, 1852.
LEONARD J. FARWELL.

Chap. 70. An Act to change the name of Patrick Murray.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That the name of Patrick Murray be and the same is hereby changed to Edward Jairus Murray.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved March 3, 1852.
LEONARD J. FARWELL.

Chap. 71. An Act to provide for laying out a state road therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners. Section 1. That D. Franklin Newcomb, Oliver C. Howe, and D. M. Hatch, be and they are hereby appointed commissioners to lay out and establish a state road, commencing near the house of Edward J. Smith, at a point where the north line of township number ten (10) north of range number twelve (12) east, (known as the Green Bay line) crosses the road leading from Columbus, in Columbia county, to Fort Winnebago; thence west on said Green Bay line, or as near thereto as practicable, until it intersects the road leading from Fort Winnebago to Madison, via Jacob Lowe's, known as the Fort Winnebago and Madison road; thence west, on a straight line, or as near thereto as practicable, to Mattison's Ferry, on the Wisconsin River, in the county of Columbia.

Route of road.

Compensation. Sec. 2. The commissioners shall be entitled to such compensation for their services, from the county through which the road passes, as the supervisors of said county

shall deem just: *Provided*, The state shall be to no expense for the same.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, March 3, 1852.
LEONARD J. FARWELL.

An Act to vacate a part of the village plat of the town of Lowell, in Dodge county.

Chap. 72.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. That all that part of the plat of the village of Lowell, in Dodge county, described as follows, to wit: blocks eleven (11) and twelve (12) and the street between them; blocks (10) ten and the street between ten and eleven; block (9) nine; blocks two (2) and three (3) and the street between them; and the following lots in block eight: number one, two, three, four, five, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, and twenty-six; and block number seven, be and the same is hereby vacated. Blocks, &c., vacated.

Sec. 2. This act shall take effect from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, March 3, 1852.
LEONARD J. FARWELL.

Chap. 73.

An Act to authorize town clerks to certify to the State Superintendent the amount of money assessed for the support of schools, and to provide for levying a tax in certain cases.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Section 1. Those towns that have not assessed, by direction of the board of county supervisors, an amount equal to one-half of the amount received from the school fund, shall, and are hereby authorized to certify, through the clerk of said towns, to the state superintendent, such "additional amounts" as have been assessed for the support of schools. Town clerks authorized to certify.

Towns may levy tax.

SEC. 2. Those towns that have not assessed, by order of the board of county supervisors, and in addition thereto, a sum of money equal to one-half the amount received from the school fund, are hereby authorized to supply such deficiency, by an immediate assessment upon the taxable property of said towns, such sum as shall be necessary; the same to be estimated and directed by the board of supervisors of the respective towns, to be levied and collected in the same manner as other taxes, and certified by the town clerk to the state superintendent, previous to the first day of April, eighteen hundred and fifty-two.

SEC. 3. The state superintendent is hereby authorized to apportion to the different towns that comply with the requisitions of this act, such sums of money as they may thereby be entitled to.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, March 3, 1852.
LEONARD J. FARWELL.
[*Published, March* 5, 1852.]

An Act to amend section twenty-two of chapter sixteen of the Revised Statutes.

Chap. 74.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That section twenty-two of chapter sixteen of the revised statutes is hereby so amended as to require the town board of supervisors, in the several towns in the counties of Sheboygan, Dodge, Washington, and Manitowoc, in this state to assess any amount of highway tax ordered to be assessed at the annual town meeting, not exceeding fifteen mills on the dollar, in addition to the amount now authorized by law to be assessed by the said board of supervisors.

Amendment.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, March 4, 1852.
LEONARD J. FARWELL.
[*Published March* 6, 1852.]

An Act to empower the Superintendent of Public Instruction to apportion to St. Croix county her quota of school money. **Chap. 75.**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The superintendent of public instruction is hereby authorized and required, in making his apportionment of the school fund, to give to St. Croix county, her proportion of said fund, equal to the number of scholars in her organized school districts, in the several towns in said county: *Provided*, It shall be made to appear to said superintendent that schools have been kept in said districts by qualified teachers, for three months during the year ending September 1st, 1851, said towns having complied with the law relative to raising school taxes. To apportion to St. Croix co.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, March 4, 1852.
LEONARD J. FARWELL.

An act to authorize Joseph Davenport and his associates to keep and maintain a Mill Dam across Fox River. **Chap. 76.**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That Joseph Davenport and his associates be and they are hereby authorized to keep and maintain a mill dam across Fox River, on section number thirty, in town number one, north of range number twenty east. May maintain dam.

SEC. 2. The said Joseph Davenport and his associates, or any one of them, may apply to the judge of the first judicial circuit, whose duty it shall be to appoint three commissioners, who shall make an examination of all lands overflowed by reason of the keeping up and maintaining said mill dam, and shall make out an award in which they shall award to the owner or owners of such parcel or piece of land so overflowed as aforesaid, the amount of damages which they shall deem such owner or owners entitled to by reason of the keeping up and maintaining of said mill dam as aforesaid. How damages appraised.

SEC. 3. Any person or persons conceiving himself or themselves aggrieved may appeal within ten days from the time of making the said award to the circuit court of Kenosha county, in the same manner as is provided by law for appeals from the decisions of commissioners of the estates of deceased persons. Parties may appeal,

Effect of award. SEC. 4. The decision and award of the said commissioners mentioned in the second section of this act, shall be final, unless appealed from as provided for in this act; and the said award shall be filed by the said commissioners, in the office of the clerk of the circuit court of Kenosha county, and shall be and remain a lien upon the goods and chattles real of the said Joseph Davenport and his associates until the term of the said circuit court thereafter, when, upon motion made by any party interested, a judgment may be entered up, and execution issue, to the same effect and in the same manner as judgments are entered and executions issued upon suits of a civil nature commenced and tried in the said circuit court.

Height of dam SEC. 5. Nothing in this act shall be so construed as to give the said Joseph Davenport or his associates the right to raise the water in said river higher than four feet above low water mark.

Not liable to action. SEC. 6. No suit or proceeding at law or in equity shall be entered against the said Joseph Davenport and his associates, for any damages arising from the overflowing of any lands, by reason of the keeping up and maintaining of said mill dam after he or any of his associates shall have applied to have commissioners appointed according to the provisions of this act.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved March 4, 1852.
LEONARD J. FARWELL.

Chap. 77.

An Act more fully defining the boundaries of the county of Outagamie.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Boundaries. SECTION. 1. The district of country embraced within the following boundaries shall form and constitute the county of Outagamie, to wit: beginning at the south-west corner of township twenty-one north of range fifteen east of the fourth principal meridian; running thence north on the range line between ranges fourteen and fifteen to the north-west corner of township twenty-four north of range fifteen east; thence east on the line between township twenty-four and twenty-five north, to the north-east corner of section four, in township twenty-four north of range nineteen east; thence south on the section lines to the south-east corner of section thirty-three in township twenty-one north

of range nineteen east; thence west on the township lines between townships twenty and twenty-one north to the place of beginning.

J. McM. SHAFTER.
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, March 4, 1852.
LEONARD J. FARWELL.
[*Published, March* 6, 1852.]

An Act to authorize the levying and collection of certain special taxes in the Second and Fifth Wards of the City of Milwaukee.

Chap. 78.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. The common council of the city of Milwaukee shall have power and it shall be their duty to levy such special taxes in the second and fifth wards of said city, as may be necessary to pay all sums due or to become due, upon contracts for grading side walks in the second ward, and for grading streets or side walks in the fifth ward of said city, entered into previous to the third Tuesday of May, 1851. May levy special tax,

Sec. 2. Such taxes shall be levied upon the lots in front of which streets or side walks were made, upon the contracts referred to in the first section of this act, and shall be collected in the same manner as other taxes are authorized to be collected in said city. On what taxes to be levied.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, March 4, 1852.
LEONARD J. FARWELL.

An Act to incorporate the Milwaukee University.

Chap. 79.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That Elisha Eldred, William P. Lynde, William P. Young, Geo. D. Dousman, Ira E. Goodell, John Ogden, Moses Kneeland, Samuel C. West, Henry S. Burton, Elias Hunter, William H. Spencer, Alexander Mitchell, James H. Rogers, Byron B. Bird, Robert C. Bradford, William E. Cramer, William Allen, Nelson Ludington, J. L. Pierce, Joseph Cary, John D. Gardner, Clarence Shepard, Joseph G. Wilson, Wallace C. Wilcox, Edward T. Hotchkiss, and Stoddard H. Martin, their associates and succes- Created body corporate.

sors be and they are hereby created a body corporate a
politic, for educational purposes, in perpetual successi
with the name and title of the board of trustees of t
Powers. University of Milwaukee, with full power to sue and
sued, plead and be impleaded, to acquire, hold, and conv
property, real and personal, to have and use a common se
to alter and renew the same at pleasure, and to adopt su
by-laws, not inconsistent with the constitution and laws
the United States or of the state of Wisconsin, as they m
deem necessary for the government of the university.

Sec. 2. The university shall be located at or near t
Location and objects. city of Milwaukee, and may be erected on a plan sufficie
ly extensive to afford instruction in literature, the scienc
and the arts, in the theory and practice of elementary
struction, and in any or all of the liberal professions
such manner and at such times as the board of truste
may deem practicable and desirable.

Sec. 3. The board of trustees shall consist of not l
than twelve members, who shall have power to increa
Board of trustees the number to thirty, and to fill any vacancies that m
occur by death, resignation, or neglect of the duties of t
office for more than one year. The members of the boa
shall be divided into five classes, one of which shall go o
How elected of office every year, to be determined by lot at the orga
zation of the board and afterwards trustees shall be elect
to serve five years. The first meeting of the board of tr
tees shall be held at such time and place as may be des
nated, in a call signed by a majority of the corporate me
bers, of which due notice shall be given, and afterwar
they shall meet on their own adjourment, and also in su
manner as may be prescribed in the by-laws; and a
seven of them, duly assembled, shall constitute a quoru
for the transaction of business, and any less number m
adjourn from time to time.

Powers and duties. Sec. 4. The board of trustees shall have power to d
vise and execute measures for the establishment and pr
perity of the university; to prescribe the course of study
the several departments; to appoint an executive comm
tee consisting of the president, secretary, treasurer, a
five directors, for the transaction of all ordinary busine
under the direction of the by-laws and subject to the a
proval of the board; to elect and inaugurate a board of i
struction consisting of a presiding officer, who shall be
member of the board of trustees *ex officio*, and the req
site number of professors and tutors; and also to conf
such degrees and to grant such diplomas as are conferr
and granted by other universities.

How funds applied.

Sec. 5. All funds and property received by the board of trustees by gift or otherwise, shall be faithfully applied, according to the best of their judgment, for the benefit of the university, in purchasing grounds, erecting buildings, procuring library and apparatus, creating endowments for the support of professors and in paying the salaries of agents, officers, and teachers of the university: *Provided*, That any donations or bequeaths made for particular purposes in accordance with the design of the corporation, shall be applied according to the wishes of the donors.

Proviso.

Lands exempt.

Sec. 6. The library, apparatus, cabinet, and lands of the university, not to exceed forty acres, shall be exempt from taxation: *Provided*, That lands exempt from taxation by the provisions of this act, shall not be used for any other than university purposes.

No religious test required.

Sec. 7. No political or religious opinions shall be required as qualifications for membership in the university, and no student shall be required to attend worship with any particular relegious denomination.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.

Approved March 4, 1852.

LEONARD J. FARWELL.

[*Published March* 26, 1852.]

An Act to amend the charter of the Green Bay, Milwaukee, and Chicago Rail Road Company, and to authorize an extension of said road.

Chap. 80.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Authorised to borrow money.

Section 1. The Green Bay, Milwaukee, and Chicago Rail Road Company are hereby authorized and fully empowered in their corporate capacity, to borrow any sums of money from any person or persons, corporations or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company and any person or party of whom such money may be obtained, and make out and execute in their corporate name all necessary writings, notes, bonds, or other papers, and make, execute, and deliver such securities in amount and kind as may be deemed expedient by said corporation, any law on the subject of usury in this state, or any other state where such transactions may be made, to the contrary notwithstanding; and the powers of said corporation for the purposes aforesaid, and for all purposes necessary to carrying out the ob-

jects of said company, are hereby ratified and confirm
and the contracts and official acts of said company, decla
binding in law and equity upon said corporation, and u
all other parties to such contracts.

May purchase lands

Sec. 2. It shall be lawful for said company to purch
lands adjoining or adjacent to the rail road for the pur
of procuring earth, gravel, or other materials for emba
ments and structures necessary to the construction and
pairs of said road, and necessary buildings; and whene
such lands shall be no longer needed for the purposes af
said, the said company are hereby authorized to sell
convey the same.

May extend road

Sec. 3. The said company are hereby authorized
empowered to extend, lay out, and continue the said
road to some point on Lake Superior, or to Minnesota
ritory, and are also authorized to construct such turn-
and side tracks and switches, as they may deem neces
or proper, and they shall also have power to increase
capital stock of said company whenever in their opi
the exigences of said company shall require it, to such
amount as shall be necessary to construct and complete
road.

May unite with Illinois road.

Sec. 4. Said company is authorized and empowere
connect its road with the road of any rail road compan
companies in the state of Illinois, or to become part ow
or lessee of any rail road in said state, and any rail
company in said state of Illinois, duly organized under
laws of said state of Illinois, may connect its road with
road of said company, and may in like manner with
consent of said company, become part owner or lesse
the road of said company or of any of its branches or
portion thereof situated in this state.

How charter forfeited.

Sec. 5. If the said company shall not within two y
commence the construction of said extension of roa
some point on Lake Superior, or to Minnesota Territ
and shall not within ten years complete the same, then
either event, the rights, privileges, and powers of said
poration under this act shall be null and void.

Sec. 6. This act shall take effect from and after
time as said company shall assent to this amendment.

J. McM. SHAFTER,
Speaker of the Assembl
TIMOTHY BURNS,
Lt. Governor and President of the Sena
Approved, March 4, 1852.
LEONARD J. FARWELL.

[*Published, March* 23, 18

An Act to incorporate the Beloit Mutual Insurance Company. **Chap. 81.**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. J. R. Briggs, A. L. Field, Jesse McQuigg, and their associates, and all such persons as shall hereafter have property insured by said company, shall be and hereby are ordained, constituted, and declared to be a body corporate and politic in fact and in name, by the name of "The Beloit Mutual Insurance Company." Created a body corporate.

SEC. 2. The said corporation hereby created shall have power and authority to make contracts of insurance with any person or persons, or any body corporate or politic, against losses by fire of any houses, stores, or other buildings whatsoever, or of any goods, chattels, or personal estate whatsoever, for such term or terms of time, and for such premium or consideration, and under such modifications and restrictions, as may be agreed upon between the said corporation and the person or persons agreeing with them for such insurance. Powers.

SEC. 3. Every person who shall at any time become interested in said company by insuring therein, and also his heirs, executors, administrators, and assigns, continuing to be insured therein as hereinafter mentioned, shall be deemed and taken to be members thereof, for and during the terms specified in their respective policies, and no longer, and shall at all times be concluded and bound by the provisions of this act, and the property and concerns of said corporation shall be managed and conducted by a board of nine directors; and that John Hackett, W. T. Goodhue, John M. Keep, John L. V. Thomas, Allen Warden, L. G. Fisher, Samuel Hinman, J. R. Briggs, Jr. and T. C. Manchester, shall be the first directors of said corporation, and shall continue in office for the period of one year, and until others shall be chosen, and no longer. The directors shall be elected on the first Monday of January in each year, at such hour of the day at the village of Beloit in the county of Rock, and state of Wisconsin, as the board of directors for the time being shall appoint, of which election public notice shall be given in one or more of the public newspapers printed at Beloit, at least thirty days preceding such election, and such election shall be holden under the inspection of three members not being directors, to be appointed previous to every election by the board of Directors, and such election shall be made by ballot and by a plurality of the votes of the members then present, or their proxies, allowing one vote for every hun- Who members of company. First directors. When and how election held.

dred dollars each member shall have insured in said c
pany, and every member may vote in person or by pro
at his pleasure, at any election of directors of said com
ny, and his membership shall be ascertained by the
ords and entries in the office of the secretary of said c
pany, and no oath shall be administered to any mem
offering to vote in person, or required to be attached to
appointment when offering to vote by proxy.

SEC. 4. The directors hereinbefore named shall, as s
as may be after the passing of this act, and the direc
to be chosen at such annual elections shall, as soon as
be thereafter, proceed to choose out of their body, one
son to be president, and in case of the death, resignat
or inability to serve of the president, or any director
said corporation, such vacancy may be filled for the
mainder of the year, by the board of directors, and in
of the absence of the president, the board of directors s
have power to appoint a president *pro tem.*, who s
have and receive such powers and functions as the by-l
of said corporation may provide.

Directors to choose officers.

SEC. 5. If it shall at any time happen that an elec
of directors shall not be made on any day, when pursu
to this act, it ought to have been made, the said corp
tion shall not for that cause be deemed to be dissolved,
it shall be lawful on any other day to hold and make
election of directors, in such manner as shall have b
regulated by the by-laws and ordinances of said co
ration.

Failure to hold election on any day not to dissolve company.

SEC. 6. The policies of insurance and other contr
founded thereon, hereafter to be made or entered into
said corporation, though not under seal, if subscribed
the president, or in case of his absence, resignation, o
ability to act, by such officer or officers or person or
sons as may be for that purpose authorized by the act
incorporation or by-laws of said corporation, and coun
signed by the secretary, shall be binding and obligat
upon the said corporation, and shall have the like fo
and effect, to all intents and purposes, as if the seal of
said corporation had been or was affixed thereto. A
further, all such policies or contracts may be so signed
attested, and all other business of said corporation may
conducted and carried on by committees or otherwise, w
out the presence of a board of directors, and shall be bi
ing and obligatory on the said corporation, if the same
done under or in conformity to the by-laws and ordinan
of said corporation.

Policies &c. to be binding.

SEC. 7. In case any person or persons insured, nam

in any policy or contract of insurance made by said corporation hereby created, shall sell or convey or assign the property insured, during the time for which it is insured, it shall be lawful for such insured to assign and deliver to the purchaser or purchasers, such policy or contract of insurance, and such assignee or assignees shall have all the benefit of such policy or contract of insurance, and may bring and maintain a suit thereon, in his, her, or their own names: *Provided*, That before any loss happens, he, she, or they shall obtain the consent in writing of said corporation to such assignment, and have the same endorsed or annexed to the said policy of insurance. Policies assignable.

Sec. 8. It shall and may be lawful for said corporation to take and hold any real estate *bona fide* mortgaged to said corporation by way of security for the payment of any debts which may be contracted with the said corporation, and to proceed on the said mortgaged securities for the recovery of the moneys thereby secured, either in law or equity, in the same manner as any other mortgagee is or shall be authorized to do, and also to purchase on sales made by virtue of any proceeding at law, or any order or decree of any court of equity, or any other legal proceedings, or otherwise receive and take any real estate in payment of or towards the satisfaction of any debt previously contracted and due to the said corporation, and to hold the same, until they can conveniently and advantageously sell and convert the same into money or other personal property. Corporation may sell mortgaged property.

Sec. 9. The said directors and such others as may be chosen by said corporation, shall be indemnified and saved harmless by the members of said corporation in proportion to the amount of property that each and every member may have insured, at and after the rates of insurance of such property by the said corporation, in and for their giving out and signing policies of insurance, and other lawful acts, deeds, and transactions, done and performed in pursuance of this act, and neither of said directors shall be answerable for or charged with the faults, neglects, or misdeeds of others of them. Directors to be indemnified by members.

Sec. 10. Every member of said company shall be and is hereby bound to pay his proportion of the losses and expenses accruing in and to said company, and all buildings insured by said company, together with the right, title, and interest of the insured to the lands on which they stand, shall be and hereby are pledged to said company; and said company shall have a lien thereon against the insured during the continuance of his, her, or their policy, to the Property insured pledged to company.

amount of the premium note deposited with said compa and no more; the lien to take effect whenever the sa company shall cause to be filed in the office of the regis of deeds of the county where the property is insured, memorandum of the name of the individual insured, an description of the property; the lien in no case to exc one hundred dollars.

SEC. 11. Whenever any assessment is made on any p mium note given to the said company for any hazard tak by said company, or as consideration for any insura issued or to be issued by said company, and an action brought for the recovery of such assessment, the certific of the secretary of said company, specifying such asse ment, and the amount due to said company on such n by means thereof, shall be taken and received as *pri facie* evidence thereof, in all courts and places what ever.

Certificate of the secretary on assessment to be prima facie evidence.

SEC. 12. Any person who, as secretary, deputy sec tary, or clerk of said company, shall be guilty of any signed falsehood or fraud in the certificate authorized the eleventh section of this act, shall be guilty of a mis meanor; any person who shall personate or falsely a the name of said secretary, deputy, or clerk to any su certificate, shall be guilty of a misdemeanor; any per to vote in person at any election of directors of said com ny, who shall falsely personate another, shall be guilty misdemeanor; and any person who shall falsely sign affix the name of any person or member of this company an appointment of a proxy, shall be guilty of a mis meanor.

Misdemeanors.

SEC. 13. Any person convicted of a misdemeanor any offence under this act, shall be sentenced to impris ment in the county jail for a term not exceeding six mont or to pay a fine not exceeding fifty dollars, or to both su fine and imprisonment, at the discretion of the court bef whom he or she may be convicted.

Penalty for misdemeanors.

SEC. 14. The president and directors of said corporat shall have power to appoint such officers and agents as th may find necessary, prescribe their duties, and requ bonds for the faithful performance thereof, and may fr time to time adopt such by-laws and regulations for business of said company as they may deem expedie such by-laws and regulations not to be inconsistent with constitution and laws of the United States or of this sta and such by-laws shall determine, as near as practical the rates of insurance on the different classes of prope and the sums to be deposited for any insurance.

Company may appoint agents.

Directors to take oath.

Sec. 15. The directors, before they execute any of the duties of their office except choosing president, shall severally take an oath or affirmation that they will faithfully, diligently, honestly, and impartially perform the duties of their respective offices, according to the best of their ability.

Business to be carried on at Beloit.

Sec. 16. The operations and business of the Beloit Mutual Insurance Company, shall be carried on in the village of Beloit, state of Wisconsin, and this act shall take effect from and after its passage. The legislature of this state may at any time alter, modify, or repeal this act.

J. McM. SHAFTER.
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, March 5, 1852.
LEONARD J. FARWELL.
[*Published, March* 26, 1852.]

An Act relating to the First Presbyterian Society of Racine.

Chap. 82.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Authorized to borrow money.

Section 1. The trustees of the First Presbyterian Society of Racine are hereby authorized to issue the bond of the said Society for the sum of two thousand and five hundred dollars, payable at such time and with such interest, not exceeding the rate of ten per cent. per annum, as they deem proper, and to secure the same by the mortgage of said society upon the lot owned by them, and the brick church erected thereon.

May sell lot.

Sec. 2. Said trustees are also authorized to convey the title or fee simple of the lot owned by them, upon which their wooden church now stands, to such persons or to such religious society, and upon such terms as they shall see fit.

Sec. 3. This act shall take effect from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, March 5, 1852.
LEONARD J. FARWELL.

Chap. 83. An Act authorizing the appointment of a Court Commissioner at Burlington, in Ra County.

The people of the State of Wisconsin, represented Senate and Assembly, do enact as follows:

Section 1. In addition to the court commissioner he tofore appointed in the county of Racine, pursuant to s tion seventy-five, of chapter ten of the revised statut

Additional court commissioner. the circuit judge of the first judicial circuit may appo another court commissioner in said county, to reside at B lington, in said county, who shall hold his office for t years from the time of his appointment, unless sooner moved by said judge,

To be appointed by circuit judge. Sec. 2. Such appointment shall be made under t hand of said judge, and filed with the clerk of the circ court, for said county of Racine, and any vacancy whi may occur in said office, whether by expiration of the te of office or otherwise, may be filled by said judge, by pointment, in the manner aforesaid.

Sec. 3. Such commissioner shall have the same pow and may receive the same fees for services as by law Fees. conferred upon and given to the court commissioners pointed pursuant to section seventy-five of chapter ten the revised statutes.

Sec. 4. This act shall be in force from and after its p sage.

J. McM. SHAFTER.
Speaker of the Assembly
TIMOTHY BURNS.
Lt. Governor and President of the Senate
Approved, March 5, 1852.
LEONARD J. FARWELL.
[*Published, March 8, 185*

An Act to incorporate the Willow River Academy.

Chap. 84. *The people of the State of Wisconsin represented Senate and Assembly, do enact as follows:*

Section 1. That Otis Hoyt, Joseph Bowron, John Henning, Moses S. Gibson, Daniel Mears, Daniel Wo

Created a body corporate. Daniel Aldrich, Alfred Day, William H. Semmes, S. S. Fuller, and their associates, together with such persons may hereafter be associated with them, be and are here created a body corporate and politic, with perpetual s cession, to be styled and known by the name and title the Willow River Academy; by which name they a their successors shall ever be known, and shall have pow

An Act to empower the Superintendent of Public Instruction to apportion to St. Croix county her quota of school money.

Chap. 75.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

To apportion to St. Croix co.

SECTION 1. The superintendent of public instruction is hereby authorized and required, in making his apportionment of the school fund, to give to St. Croix county, her proportion of said fund, equal to the number of scholars in her organized school districts, in the several towns in said county: *Provided*, It shall be made to appear to said superintendent that schools have been kept in said districts by qualified teachers, for three months during the year ending September 1st, 1851, said towns having complied with the law relative to raising school taxes.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, March 4, 1852.
LEONARD J. FARWELL.

An act to authorize Joseph Davenport and his associates to keep and maintain a Mill Dam across Fox River.

Chap. 76.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

May maintain dam.

SECTION 1. That Joseph Davenport and his associates be and they are hereby authorized to keep and maintain a mill dam across Fox River, on section number thirty, in town number one, north of range number twenty east.

How damages appraised.

SEC .2. The said Joseph Davenport and his associates, or any one of them, may apply to the judge of the first judicial circuit, whose duty it shall be to appoint three commissioners, who shall make an examination of all lands overflowed by reason of the keeping up and maintaining said mill dam, and shall make out an award in which they shall award to the owner or owners of such parcel or piece of land so overflowed as aforesaid, the amount of damages which they shall deem such owner or owners entitled to by reason of the keeping up and maintaining of said mill dam as aforesaid.

Parties may appeal.

SEC. 3. Any person or persons conceiving himself or themselves aggrieved may appeal within ten days from the time of making the said award to the circuit court of Kenosha county, in the same manner as is provided by law for appeals from the decisions of commissioners of the estates of deceased persons.

No religious test requisite.

Sec. 7. No religious test or qualification shall be r
quired of any trustee or officer of said corporation, nor
any student of said institution.

Sec. 8. This act may be amended or altered by any f
ture legislature.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.

Approved, March 4, 1852.
LEONARD J. FARWELL.
[*Published March* 31, 185

Chap. 85.

An Act appropriating money to the Members of the Legislature.

*The people of the State of Wisconsin, represented
Senate and Assembly, do enact as follows:*

Section 1. There is hereby appropriated to each me
ber of the senate and assembly the sum of seventy-fi
dollars to be paid out of any moneys in the state treasu

Sec. 2. There is hereby appropriated to the chief cle
of the senate the sum of seven hundred and twenty d
lars, and to the chief clerk of the assembly the sum of s
hundred and fifteen dollars, to be paid out of any mone
in the state treasury.

Sec. 3. There is hereby appropriated to Timothy Bur
Lieutenant Governor, the sum of one hundred and fi
dollars, to be paid out of any moneys in the state treasu
and to the speaker of the assembly, the sum of seventy-fi
dollars.

Sec. 4. There is hereby appropriated to the sergeant-
arms of the senate, and to the sergeant-at-arms of the
sembly, each, the sum of four hundred dollars, to be pa
out of any moneys in the state treasury.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.

Approved, March 5, 1852,
LEONARD J. FARWELL.

An Act to change the name of Dodge Centre, in the County of Dodge. **Chap. 86.**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SEC. 1. The name of Dodge Centre, the county seat of Dodge county, is hereby changed to Juneau. Name changed.

SEC. 2. The plat of Juneau, hitherto made by R. D. Willard, and recorded in the office of the register of deeds of Dodge county, shall hereafter be known as Willard's Addition to Juneau.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.

Approved, March 5. 1852.
LEONARD J. FARWELL.
[*Published March* 8, 1852.]

An act to incorporate the Appleton Water Power Company. **Chap. 87.**

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

SECTION 1. Perry H. Smith, Anson Ballard, Jackson Tibbetts, Thomas Butterfield, Frederick Packard, and such others as they may associate with themselves, are hereby appointed commissioners to open books for subscription to the capital stock of the "Appleton Water Power Company," at the village of Appleton, in the county of Outagamie, at such time and place as they shall designate, by public notice, and to distribute the stock so subscribed. And the subscribers of stock on said books, their successors and assigns, are hereby declared to be a body corporate and politic in fact and in name, by the name of the Appleton Water Power Company; and by the same name, they, their successors and assigns, shall and may have continual succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters, and causes whatsoever; and that they, their successors and assigns may have a common seal, and may change and alter the same at pleasure: and by the same name shall be capable of purchasing, holding, and conveying any estate or property, real or personal, for the use and benefit of the said corporation, and be subject, however, to the restrictions and conditions herein contained.

Commissioners to open books.

Created a body corporate.

Powers.

Capital stock.

SEC. 2. The capital stock of said company shall cons of not more than one hundred thousand dollars, or less th twenty thousand dollars, and shall be divided into shar of not less than fifty dollars each, which shall be deem to be personal property, and may be transferred in su manner as the company shall direct by their by-laws.

Powers.

SEC. 3. The said corporation shall have power to e gage in any kind of manufacture or milling, which to the may seem fit, and to construct or own dams, canals, wat ways, reservoirs, flumes, or races, on any lands which a now, or hereafter may be, owned by said company, or the lands of other persons whose consent may be there obtained: *Provided*, That the business of the said corp ration shall be conducted at the village of Appleton, afo said.

May hold real estate.

SEC. 4. The said corporation shall have power to hol purchase, or possess and convey lands, tenements, and h editaments, or goods and chattles, and may enact and pa such by-laws and regulations as they shall judge prop

Proviso.

and right to do: *Provided*, That such by-laws and reg lations are not repugnant to the constitution and laws this state or of the United States, and that the said corp ration shall not at any one time, hold more than five hu dred acres of land, except as provided in section fifth this act.

May hold mortgages.

SEC. 5. Said corporation is hereby authorized to receiv take, and hold mortgages in real estate, chattles, or ten ments, for the payment or security of debts, due or to b come due to the said corporation; and shall have pow to proceed on the said mortgages, or any other security, f the recovery of the money thereby secured to them, eith at law or in equity. And it shall be lawful for the said co poration to purchase on sales made by virtue either of judgment at law, or decree or order of a court of equit rendered or made in favor of said company, and to tak any real estate in payment, or towards satisfaction of an debt or sum of money due the said corporation, and to ho such real estate so to be purchased or received or taken last aforesaid, until they can conveniently sell and conve the same into money, at its true and fair valuation.

Votes of stockholders.

SEC. 6. The said stockholders in said corporation sha be entitled to one vote for every share owned in the sam up to the number of ten shares, and to one vote for ever five shares respectively over the number of ten shares, u to the number of one hundred shares, and to one vote f every twenty-five shares respectively, over the number

one hundred shares, at all meetings for the election of directors.

Sec. 7. Within sixty days after twenty thousand dollars shall have been subscribed to the capital stock of the said company, and ten per cent. *bona fide* paid thereon, a meeting of the subscribers to such stock shall be held at such time and at such place in the village of Appleton as the said commissioners shall direct, of which public notice shall be given by advertisement, at least two weeks previous, in whatever newspaper may then be published, nearest to the said village of Appleton, and at such meeting, the said stockholders shall elect from their own number, five directors, to hold office until the first Monday of January next thereafter, or until their successors shall be elected, and on the first Monday of January of each succeeding year thereafter, there shall be held at Appleton a meeting of the stockholders of the said corporation, for the election of directors, for the ensuing year, at such hour and place as the directors shall appoint, of which meeting the same notice shall be given as for the first meeting of stockholders; but said corporation shall not be dissolved for the neglect in omitting to hold a regular annual meeting for the election of directors. It shall be the duty of the board of directors to call special meetings of the stockholders, by notice as aforesaid, whenever requested so to do by any number of stockholders owning not less in the aggregate than five thousand dollars of the stock of said company. And at any meeting so called, if there shall have been a failure to elect directors at the time herein provided, it shall be lawful to proceed to the election of a board of directors, who shall hold office until the first Monday in January next thereafter, and until their successors are elected.

When stockholders to meet.

Sec. 8. The directors shall, immediately after their election, proceed to elect a president from their own number, a secretary, who shall be a stockholder, but not a director, and a treasurer; who shall hold their offices for one year, unless sooner removed by the directors.

Directors to elect officers.

Sec. 9. The directors, or a majority of them, shall manage the business and affairs of the said corporation, and shall have charge of all the stock and property, real and personal, thereof; they may make by-laws for the government of the company; they may create such officers or agents, in addition to those above mentioned, as to them may seem fit; they shall fix the compensation of all the officers of the company; they may at any time remove any of such officers, and appoint new ones, and in case any vacancy shall occur in the board of directors, during their

Duties of directors.

term of office, by resignation or otherwise, they may
such vacancy by election from the stockholders. They sh
also have power to declare any share or shares of stock
solutely forfeited to the said company, in case the hol
thereof shall fail to pay any assessment that may be ma
thereon, within sixty days after such assessment shall ha
been made. They shall also have power at any time
open books for the further subscription of stock to the s
company, within the limits prescribed by this act.

Liability of the stockholders.

Sec. 10. The stockholders of this company shall be
ble, in their individual capacity, for all debts of the co
pany, contracted while they are stockholders.

Duties of secretary.

Sec. 11. The secretary of this corporation shall kee
book in which shall be registered the names of all
stockholders of this company, exhibiting their respecti
places of residence, and the number of shares of stock h
by each, and the directors shall issue certificates of sha
of stock to the respective stockholders, which shall be sign
by the president and secretary; which said shares may
transferred at the pleasure of the holder: *Provided*, Th

Proviso.

all instalments of stock assessed and due on said sha
shall first have been paid. All transfers of stock shall
made by indorsement on the certificate, and the pers
to whom such transfer is made, shall personally, or by
attorney duly authorized, become a party to the transfer
signing the same, and such transfer, with the date there
shall be registered in the registry aforesaid, and the
certificate shall be surrendered and cancelled, and a n
one in like form issued to the assignee.

Sec. 12. This charter shall not be so construed as
give or allow banking, or any other privileges not expres
mentioned in this act.

Sec. 13. This act shall take effect from and after
passage.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.

Approved, March 5, 1852.
LEONARD J. FARWELL.

[*Published, March* 27, 185

An act to change the name of the town of Fairfield, in Dodge county. **Chap. 88.**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. The name of the town of Fairfield, in the county of Dodge, is hereby changed to Oak Grove.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, March 5, 1852.
LEONARD J. FARWELL.
[*Published March* 8, 1852.]

An Act to appropriate to John Milton the sum therein named. **Chap .89.**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That there is hereby appropriated to John Milton the sum of eleven dollars and fifty cents, for clothing furnished to John Calvert, a state prisoner, in full, to January 9th, 1852, to be paid out of any money in the state treasury not otherwise appropriated.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, March 6, 1852.
LEONARD J. FARWELL.

An Act to appropriate to Nathan R. Allen the sum therein named. **Chap. 90.**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to Nathan R. Allen, out of any money in the treasury not otherwise appropriated, the sum of sixty-nine dollars and thirty-five cents, for keeping, boarding, and clothing Joseph R. Moore, a state prisoner; also for expenses in taking said Moore to Waupun; in full to January 22, 1852.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved March 6, 1852.
LEONARD J. FARWELL.

Chap. 91. An Act to appropriate to the County of Kenosha the sum therein named.

The people of the State of Wisconsin represented Senate and Assembly do enact as follows:

SECTION 1. That the sum of one hundred and forty dollars and seventy cents is hereby appropriated to county of Kenosha, to be paid out of any money in treasury not otherwise appropriated, in full for expe incurred by said county, in the execution of John Mc frey.

J. McM. SHAFTER,
Speaker of the Assembl
TIMOTHY BURNS,
Lt. Governor and President of the Senat
Approved, March 6, 1852.
LEONARD J. FARWELL.

Chap. 92. An Act to appropriate to R. Dunlap, Jr., the sum therein named.

The people of the State of Wisconsin, represented Senate and Assembly, do enact as follows:

SECTION 1. That there is hereby appropriated t Dunlap, Jr., the sum of ten dollars, in full for medi and attendance upon Flanegan, for the year 1851, t paid out of any money in the state treasury not other appropriated.

J. McM. SHAFTER,
Speaker of the Assembl
TIMOTHY BURNS,
Lt. Governor and President of the Sena
Approved, March 6, 1852.
LEONARD J. FARWELL.

Chap. 93. An Act to appropriate to Rood & Whittemore the sum therein named.

The people of the State of Wisconsin represente Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Rood Whittemore, out of any money in the treasury not other appropriated, the sum of eighty-five dollars and th

eight cents, in full for stationery ordered by the secretary of state to January 15th, 1852.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, March 6, 1852.
LEONARD J. FARWELL.

An Act to appropriate to C. M. Wiberg the sum therein named.

Chap. 94.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That there is hereby appropriated to C. M. Wiberg the sum of seven dollars and seventy-seven cents, in full for clothing furnished state prisoners for the year 1851, to be paid out of any money in the state treasury not otherwise appropriated.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, March 6, 1852.
LEONARD J. FARWELL.

An Act to extend [the time] for collecting taxes in the town of Rushford, Winnebago County.

Chap. 95.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Section 1. The time for collecting the taxes in the town of Rushford, Winnebago county, is hereby extended sixty days beyond the time now required by law, and the treasurer of said town shall have the same right to levy on property and sell the same within said time so extended as is now allowed by law for such purposes.

Sec. 2. This act shall take effect from and after its passage.

J. McM. SHAFTER.
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, March 8, 1852.
LEONARD J. FARWELL.

Chap. 96. An Act to appropriate to Deming Fitch the sum therein named.

The people of the State of Wisconsin represented Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Dem Fitch, to be paid out of any moneys in the state treas not otherwise appropriated, the sum of one hundred thirty-five dollars, being in full to February sixth, one th sand eight hundred and fifty-two, for bill of cabinet w made for the state and legislative departments.

J. McM. SHAFTER,
Speaker of the Assembly
TIMOTHY BURNS,
Lt. Governor and President of the Senate

Approved March 8, 1852.
LEONARD J. FARWELL.

An Act to incorporate the Young Men's Association of the City of Milwaukee.

Chap. 97. *The people of the State of Wisconsin represented Senate and Assembly, do enact as follows:*

SEC. 1. Henry W. Tenney, Martin J. Burke, Benjar K. Miller, William J. Bell, John P. McGregor, John Bartlett, Charles F. Ilsley, Joshua Stark, Winfield Smi Henry J. Nazro, Robert Menzies, their associates and s cessors are hereby created a body corporate and politic the name of the Young Men's Association of the City Milwaukee, and by that name to remain in perpetual s cession, for the purpose of establishing and maintaining a erary and reading room, instituting literary and scient lectures, and providing other means of moral and intell tual improvement, with power, for such purpose, to ta by purchase, devise, or otherwise, and to hold, transf and convey real and personal property, to the amount twenty-five thousand dollars; and also, further to take, ho and convey all such books, cabinets, library, furniture, a apparatus as may be necessary for attaining the objects a carrying into effect the purposes of the said corporation.

Created a body corporate.

Powers.

SEC. 2. The control and disposal of the funds, prop ty, and estate, and the direction and management of all the concerns of the said corporation, under such directi and restrictions as may be imposed by the rules and r ulations thereof, shall be vested in a board of directo to consist of the president, vice president, the secreta the treasurer, and seven trustees of the said corporati who shall be elected annually to their respective offices such members of the corporation, not indebted thereto,

Control of association vested in directors. o

shall, by the rules and regulations thereof, be entitled to vote at such elections.

Present officers to continue.

Sec. 3. The several officers of the said association at the time of the passage of this act, shall continue to hold their respective offices as officers of the corporation hereby created, until the expiration of the term for which they were elected and qualified and all personal property, funds, or securities now owned and held by the said association or by said officers, or either or any of them or by any other person or persons in trust for the said association, or for the use or benefit of the same, including all debts due or to become due to the same from the members thereof, for stated dues in arrears, fines, &c., or from any other person or persons, shall vest in and become the property of, and may be sued for and recovered in the name of the corporation hereby created, and the said corporation shall assume and be liable for all the debts and obligations of said association, contracted or incurred, and for all contracts and agreements entered into previous to the passage of this act by any of the officers thereof, lawfully acting in behalf of the said association.

Association liable for debts.

Laws to continue.

Sec. 4. The present constitution and laws of the said association, as far as the same are consistent with the provisions of this act and not inconsistent with the constitution or laws of this state, or of the United States, shall continue in force as the rules and regulations of the corporation hereby created, until the same shall be legally altered and amended; and it shall be the duty of the board of directors of the corporation hereby created, immediately after the passage of this act, to revise the existing constitution and laws of the said association, and prepare and perfect a complete code of rules and regulations for the government of the said corporation, and to present the same to the members of the said association, entitled to vote at a general meeting thereof for their approval; and if the same be approved by a majority of all the members voting on the question of approval, they shall at once become the rules and regulations of the said corporation, and the present constitution and laws of said association shall cease and be of no force or authority whatever: *Provided*, That notice of said meeting be given by publication in two newspapers in the city of Milwaukee, at least two weeks prior to the said meeting, stating distinctly the time, place, and object of said meeting: *And provided further*, That a copy of the said rules and regulations shall be open to the inspection of the members of said association, at the

Proviso.

reading room of the association, at least one week previ
to said meeting.

SEC. 5. The board of directors shall have power to
May fill vacancies. vacancies in the several offices, and to appoint, and
pleasure remove such subordinate officers, agents, or
vants, as the business or interest of the said corpora
may, in their opinion require.

SEC. 6. The estate, property, and funds of the said
How property devoted. poration shall be devoted solely to the general purposes
objects specified in the first section of this act.

SEC. 7. This act shall take effect immediately.

J. McM. SHAFTER,
Speaker of the Assembl
TIMOTHY BURNS,
Lt. Governor and President of the Senat

Approved, March 8, 1852.
LEONARD J. FARWELL.

[*Published, March* 27, 18

An Act to incorporate the Sheboygan and Mississippi Rail Road Company.

Chap. 98.

The people of the State of Wisconsin, represented Senate and Assembly, do enact as follows:

Commissioners appointed. SECTION 1. Asahel P. Lyman, Henry H. Conklin, liam W. King, Charles D. Cole, Horatio N. Smith, J Bannister, A. B. Hamilton, Samuel W. Beall, John Sherwood, Robert Jenkinson, Benjamin F. Moore, The B. Stoddard, and James McM. Shafter, shall be, and are hereby appointed commissioners, under the direc of a majority of whom subscriptions may be receive the capital stock of the Sheboygan and Mississippi Road Company, hereby incorporated; and they may c books to be opened at such times and places as they direct, for the purpose of receiving subscriptions to capital stock of said company, first giving thirty days tice of such times and places, by publishing the sam one newspaper printed at the village of Sheboygan, one in the village of Fond du Lac.

Capital stock. SEC. 2. The capital stock of said company shal three million dollars, in shares of one hundred dollars e and as soon as three hundred shares of stock shall be scribed, and five dollars on each share actually paid in subscribers of such stock, with such other persons as associate with them for that purpose, their successors assigns, shall be and they are hereby declared and cre a body corporate and politic, by the name and style o

"Sheboygan and Mississippi Rail Road Company," with perpetual succession, and by that name shall have all the privileges, franchises, and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing, and conveying estate, real, personal, and mixed, so far as the same may be necessary for the purposes hereinafter mentioned; and in their corporate name may sue and be sued, plead and be impleaded, may have a common seal, and may alter the same at pleasure, and generally, may do all and singular the matters and things which to them it shall lawfully appertain to do, for the well being of said corporation. Powers, &c.

Sec. 3. The said commissioners, or a majority of them, after the said three hundred shares of such stock shall have been subscribed as aforesaid, shall give at least thirty days' notice in the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers or stockholders to meet for the purpose of electing thirteen directors, and annually thereafter the said stockholders shall meet on the third Wednesday of January, for the purpose of electing directors as aforesaid, upon a like previous notice to be given as aforesaid: *Provided*, That previous to the first election, the commissioners hereinbefore named shall elect one of their number president, and they shall perform all the duties and be invested with all the powers of directors: *And provided*, That if from any cause an election shall not be held at the regular time specified therefor, the same may be held at any other time, on notice as aforesaid; that until such election, the directors of the preceding year shall continue to act, and that this charter shall not be avoided by reason of the irregularity or want of such election: *And provided also*, That in case of vacancy from the death, removal, or resignation of any director, his place may be filled by a majority of the board of directors. To give notice of meeting. Proviso

Sec. 4. The affairs of said corporation shall be managed by a board of thirteen directors, who shall be chosen annually by ballot, on the days hereinbefore prescribed, by the stockholders of the said company; the votes to be delivered in person or by proxy, duly authorized, which directors shall appoint one of their own number to be president, and shall respectively serve one year, or until other directors are elected; they shall have power to make and establish such by-laws, rules, and regulations not inconsistent with the constitution and laws of this state, as may be necessary for the well ordering the affairs of said company. Affairs to be conducted by board of directors.

Sec. 5. None but stockholders shall be elected direc-

Qualification of directors.

tors, and at every election, and in all cases where sto holders shall be called upon to vote, each share of st shall be entitled to one vote, and in all cases of electi of directors, the thirteen stockholders having the high number of votes shall be declared duly elected.

SEC. 6. The said directors shall meet at such times a places, and be convened in such manner as they may he after decide upon. A majority of said directors shall b

Directors to appoint officers.

quorum for the transaction of business, who in the absei of the president, shall appoint a president *pro tem.* T said directors shall appoint a treasurer, a secretary, a such engineers and other officers as they may find neces ry; and they shall have full power to fix the compensat of all officers and agents, and may demand adequate se rity for the performance of their respective trusts; th shall decide the time, manner and proportions in wh the said stockholders shall pay the money due on their spective shares, and forfeit to the use of the company share or shares of every person or persons failing to p any installment so required, at a reasonable period not l than sixty days after the time by them appointed for payment thereof; they shall have full power to regul tolls, to make such contracts, covenants, and agreeme with any person, co-partnership, or body politic whatsoev as the construction and management of the works and convenience and interest of the company may require, a in general, to superintend and direct all the operati receipts, disbursements, and other proceedings of the c

Proviso,

pany: *Provided*, That no instalment called in at any time shall exceed twelve dollars per share, and that no stalment shall be called for by the directors without least thirty days' notice thereof in the newspapers here before named.

SEC. 7. The directors chosen as aforesaid shall issu certificate to each stockholder for the number of shares

Directors to issue certificates

or she may subscribe for or hold in said corporation, sig by the president and countersigned by the secretary, a sealed with the common seal, subject however, to all p ments due or to become due thereon, which stock shall transferable in person or by attorney, executors, admi trators, guardians, or trustees, under such regulations may be provided for in the by-laws of said company.

SEC. 8. At each annual meeting of the stockholders the purpose of electing directors, the directors of the p

To make annual statement.

ceding year shall exhibit to them a complete statemen the affairs and doings of the company for such year; a special meetings of the stockholders may be called by or

of the directors, or by stockholders holding one-fourth of the capital stock, on like notice as that required for annual meetings, specifying moreover the object of such meetings; but no business shall be transacted at such special meeting, unless a majority in value of the stockholders shall attend in person or by proxy.

Route of road.

Sec. 9. The said company shall have power to locate and construct a single or double track railroad, from the village of Sheboygan, in the county of Sheboygan, via Fond du Lac, to the Mississippi river; and shall have power to transport, take, and carry property and persons upon the same by power and force of steam, of animals, or of any mechanical or other power, or by any combination of them; and they shall also have power to make, construct and erect, all such side tracks, turn-outs, and connecting tracks, and also such ware houses, toll houses, machine shops, carriages, cars, and other works and appendages, as may be necessary for the convenience of the company, for the use of said rail road, and also to connect said rail road and operate the same with other rail roads and branch rail roads in the state of Wisconsin, and consolidate the capital stock of said company with the capital stock of any rail road company with which the roads of said companies shall intersect, and shall have full power to place the road of this company and its capital stock so consolidated, under the direction of a joint board of directors to be chosen on such terms as the directors of the companies consolidating their capital stock shall agree upon.

How charter forfeited.

Sec. 10. If said corporation shall not within fifteen years from the passage of this act, complete the construction of said rail road, then the rights, privileges, and powers of said corporation under this act shall be void.

Powers to locate route, &c.

Sec. 11. It shall be lawful for said company, their officers, engineers, and agents, to enter upon any land for the purpose of exploring, surveying, and locating the route of said road, doing thereto no unnecessary damage; and when the said route shall be determined by the said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time to enter upon, take possession of, and use such lands, not exceeding one hundred and thirty feet in width along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or such as shall be ascertained in the manner hereinafter directed and provided in such cases respectively; and said company are further authorized by their officers, engineers, agents, and servants, to enter upon lands adjacent to the road be-

yond the limits of one hundred and thirty feet, in the ma
ner provided in this act, when necessary for the purpose
erecting depot buildings, station houses, and necessary fi
tures for the operation and for the business of said roa
and for the purpose of making drains and giving a prop
direction to water-courses across or along said road, wh
the same are necessary, beyond the limits of said road, a
to remove all substances and things which might endan
ger, obstruct, or interfere with the free use of said roa
and to deposit earth, gravel, and stone taken from cu
and to obtain earth, gravel, stone, and other materials, f
embankments and structures necessary to the constructi
and repairs of said road, doing, however, no unnecessa
damage, and all lands so acquired, and all damages whi
shall be done to any lands or property under the provisio
of this section shall be ascertained and paid for in the ma
ner and agreeably to the provisions hereinafter provide
and when such damage shall have been paid for, or te
dered, the title of the land occupied by such fixtures, c
cavations, and embankments, shall vest in said compan
for the purposes aforesaid.

Sec. 12. When said corporation cannot agree with t
owner or owners of such required land for the purcha
thereof, or as to the compensation to be paid therefor,
when by reason of the legal incapacity, or absence of a
such owner or owners no such agreement or purchase c
be made, then, and in that case, it shall be lawful for a
judge of the supreme court of this state, on application
the said company, and at the cost and charge of said co
pany, to appoint three disinterested persons residing in t
counties through which the said road runs, to view a
examine the lands so taken, with the buildings and i
provements, if any thereon, and to estimate the value
the land so taken or required by the said company, and
damages which the owner or owners thereof shall sust
or may have sustained by reason of the taking of the sa
for the construction and use of said road or works app
taining thereto, and it shall be the duty of the said com
ny to give three weeks notice of their application to
judge of the supreme court for the appointment of the s
commissioners, to be published for three successive we
in a newspaper published at the capital of this state, a
also in a newspaper, if there shall be any published, in ea
of the counties through which said road may be locat
and the affidavit of the publisher or printer shall be le
evidence of such publication; and the persons so appoi
ed, before entering upon the discharge of such dut

Questions of damage, how settled.

shall take an oath before some justice of the peace or other person competent by law to administer oaths, faithfully and according to the best of their abilities, to examine the land so taken or required by said company, and impartially to estimate and appraise the value of the same and the damage or injury which the owner or owners thereof shall have sustained or may sustain by reason of the taking thereof by the said company, whereupon such commissioners shall proceed to examine the premises and estimate the value of such land and the amount of damage, if any, which may accrue to such owner or owners, as aforesaid, and shall make a report in writing of such valuation, under their hands and seals, to the circuit court of the county where the land lies, and shall return the same within thirty days after their appointment, to the clerk of the circuit court of the county in which they reside, and it shall be the duty of the clerk of said court to file the same, and in case no appeal shall be made within thirty days after the filing of said report as hereinafter provided, then the said clerk shall record the same at the expense of said company, and judgment of the said court shall be entered thereon, on motion of either party, at any term of said court: *Provided*, That either party may appeal to said court within thirty days after said report shall have been filed in the clerk's office, and such appeal shall be tried in the same manner as other issues are tried in said court, and the jury empannelled to try the same shall find the value of the land so taken or required by said company, and the damages which the owner or owners thereof shall have sustained or may sustain, by the taking of the same, to such owner or owners for the construction of such rail road, and judgment of court shall be entered accordingly: *Provided also*, That it shall not be lawful for the said commissioners or said court to proceed in the assessment of damages, or in the valuation of any lands or materials, as aforesaid, in the absence of the owner or owners thereof, his, her, or their agents or attorneys, unless it shall be shown to them by competent testimony that the said owner or owners have had at least five days' notice of the time and place at which such assessment or valuation was to be made, or that the said owner or owners are absent from the state of Wisconsin; and if the said owner or owners shall be minors, or *non compos mentis*, or absent from the state, the service of notice may be made on the guardian or trustee, if there be any, or in such manner as the court may direct: *Provided also*, That upon making and filing of any report, as aforesaid, and payment or legal tender of the amount of

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any valuation or appraisal specified therein to the owner
owners of any such lands, his, her, or their legal represen
atives, the said company, their agents, or the contracto
for making or repairing said rail road, may immediate
take and use the same without awaiting the issue of a
appeal brought thereon.

When compensation tendered company entitled to lands.

SEC. 13. Whenever any judgment shall have been e
tered as hereinbefore provided for the value of any lan
or for any damages for the taking and using of the san
and the amount specified in such judgment shall have be
paid or tendered to the owner or owners of such lands, h
her, or their legal representatives, the said company sh
be entitled to the estate and interest in the same, as ful
as if it had been conveyed in fee simple; and if such v
uation be not received when tendered, it may at any ti
thereafter be received, or may be collected from said co
pany by action at law, at the cost and expense of the p
son or persons entitled to the same: *Provided*, That t
cost of any proceedings and judgments specified in the l
preceding section shall be taxed by the court and paid
said company, except in cases, where, upon appeal, t
verdict of the jury shall be for the same or less sum th
that reported by the said commissioners.

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Rail road not to obstruct public highway.

SEC. 14. The said rail road shall be so constructed
not to impede or obstruct the free use and passage of a
public road or roads which may cross the same, and in
places where such rail road may cross or in any way int
fere with any public road, it shall be the duty of said co
pany to make or cause to be made a sufficient causeway
passage-way to enable all persons traveling such pub
road to pass over or under such rail road without inconv
ience: *Provided*, That in cases where said rail road m
cross or come in contact with any public or private road
as to occupy any part of such road, it shall be lawful
said company to construct said rail road across or up
such road, after altering and putting the same in as go
condition as before; and for that purpose the said compa
shall, previous to occupying any part of such road, c
struct a new road in part or in whole, as may be necessa
on ground adjacent to such road, and in every respect co
plete such newly constructed road or part of a road so
terfered with, as substantially as it was previous to the d
turbance and occupancy thereof by said company.

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To make passage

SEC. 15. For the convenience of persons owning or p
sessing lands through which said rail road shall pass,
shall be the duty of said company when required, to ma
a good and sufficient passage over or under said rail roa

whenever the same may be necessary to enable the occupants of said lands to pass over or under the same with wagons, carts, and implements of husbandry, as occasion may require: *Provided*, That said company shall in no case be required to make more than one such passage-way for each farm; and when any public road shall cross said rail road on any farm, the person owning or possessing such farm shall not be entitled to require said company to make additional causeway. Proviso.

Sec. 16. This act shall be construed favorably to effect the purposes hereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state of Wisconsin, shall be received as evidence thereof. Public act.

Sec. 17. Any person who shall wilfully and maliciously place any obstruction or thing upon the track of said road, or shall remove or damage any part thereof, in such a manner that the engine or cars may be impeded or thrown off the track, shall be guilty of a misdemeanor, whether such result shall happen or not, and shall be punished for every such offence by imprisonment in the state prison for a term of not less than one nor more than five years, at the discretion of the court; and in case any damage shall result from the placing such obstructions or injury to said road, said party shall be liable to pay all such damage to said company, and to any other person damaged or injured thereby; and in case any accident shall happen in consequence of placing such obstruction, or in consequence of breaking or injuring said road, whereby death may be produced, the party so offending shall be adjudged guilty of murder in the first degree, and shall be punished agreeably to the laws in such cases made and provided. Damage to road how punished.

Sec. 18. The said rail road company are hereby authorized and fully empowered in their corporate name and capacity, to borrow any sum or sums of money from any persons, corporations or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company, and any person or party of whom such money shall be obtained, and make and execute in their corporate name, all necessary writings, notes, drafts, bonds, or other papers, and make, execute, and deliver such securities in amount and kind, as may be deemed expedient by said corporation, any law on the subject of usury in this state, or any other state where such transaction may be made, to the contrary notwithstanding; and the powers of said corporation, for the purposes aforesaid, and for all purposes necessary to carrying out the object of said com- Authorized to borrow money.

pany, namely: the construction of a rail road from Sheb
gan in the county of Sheboygan, to the Mississippi rive
Contracts binding. and the contracts and official acts of said company a
hereby declared binding in law and equity, upon said c
poration, and all other parties to said contracts.

SEC. 19. This act shall be in force from and after
passage; and it shall be lawful for said company to purcha
May purchase lands. lands adjoining or adjacent to said rail road, for the pu
pose of procuring earth, gravel, stone, or other materi
for the construction and repair of said road or buildings a
fixtures connected therewith, and whenever such lan
shall no longer be needed for the purposes aforesaid, t
said company are hereby authorized to sell and convey t
same.

SEC. 20. In case there shall be incumbrances upon t
To deposit damages. land taken as hereinbefore provided, it shall be sufficie
for the said company to deposit the amount of damag
assessed as hereinbefore provided, with the clerk of t
circuit court of the county where the land lies, to be pa
over by the said clerk to the said owner of the said lan
or his lawfully authorized agent, upon the removal of t
said incumbrances.

SEC. 21. The corporation hereby created shall ha
power to enter upon and use any rail road with which th
May connect with other roads road may intersect, for all purposes for which such roa
are ordinarily used, upon such terms as the several corp
rations owning such roads can agree, and if they cann
agree, then, upon such terms as shall be fixed upon by thr
commissioners to be appointed by the supreme court up
the application of either party, and upon such notice a
in such manner as said court shall direct. The rail ro
hereby authorized to be built shall be subject to be enter
upon and used by all other roads under the provisions a
liabilities of this section.

SEC. 22. The government of the United States sh
To carry mails. have the right to require the corporation hereby creat
to transport over said road all mails at such rate as may
agreed upon by said government and said corporation, a
in case of disagreement, the terms of said transportati
shall be fixed in the same manner as is provided in secti
twenty-one for the disagreement therein specified.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, March 8, 1852.
LEONARD J. FARWELL.
[*Published March* 15, 1852

An Act to incorporate the Columbus and Watertown Plank Road Company. **Chap. 99.**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. Jeremiah Drake, Almond P. Birdsey, A. G. Cook, George Adams, Dudley Little, James Ryder, H. S. Haskell, Joseph Manning, J. C. Axtell, and R. W. Earlle, and they hereby are appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Columbus and Watertown Plank Road Company, hereby incorporated, and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days' notice of the times and places of taking such subscriptions, by publishing the same in one or more newspapers published in Jefferson or Columbia county. Commissioners. To open books.

Sec. 2. The capital stock of said company shall be thirty-five thousand dollars, in shares of ten dollars each, and as soon as five hundred shares of the capital stock shall be subscribed, and, and five per cent. of the amount thereof actually paid in or secured to the said company, the subscribers to said stock, with such other persons as shall thereafter associate with them for that purpose, their successors, and assigns, shall be, and they are hereby created and declared a body corporate and politic by the name and style of the Columbus and Watertown Plank Road Company, with perpetual succession, and by that name shall be capable in law, of purchasing, holding, selling, bargaining, and conveying estate, real, personal, and mixed, and in their corporate name may sue and be sued, may have a common seal, which they may alter or renew at pleasure, and generally may do all and singular the matters and things which an incorporate company may by law do. Capital stock. Powers.

Sec. 3. The said commissioners, or a majority of them, after said five hundred shares of stock shall have been subscribed as aforesaid, shall give at least twenty days' notice in one or more of the newspapers of the said counties of Jefferson and Columbia, of the time and place of the meeting of the stockholders, for the purpose of electing seven directors, who shall hold their office until their successors are elected; and annually thereafter, upon the anniversary of the first election, upon notice of the place of meeting being given by the directors then in being, being published in one or more of the newspapers in each of the counties aforesaid, to be designated by the said directors, the said stockholders shall meet to elect directors: *Provided*, That To give notice. Proviso.

until the first election of directors the said commissione above named, upon the subscription of five hundred shar of stock, and the organizing of said commissioners by t

To elect President. election by them of one of their number president, sh have all the powers and perform all the duties of a boa of directors for said company, and the corporate existen of said company shall be taken and held to have beg and be complete, as if a regular election of directors h taken place, and in case of a vacancy at any time happ ing in the board of directors, or in said board of comm sioners acting in the capacity of directors, the board sh have power to fill such vacancy.

May fill vacancy. Sec. 4. The affairs of said company shall be manag by the said directors, who shall be stockholders and be cl sen by ballot by the stockholders, in person or by their pr ies duly authorized, and in all elections and discussions

Election. all questions acted upon at any meeting of the stockho ers, each share of stock shall be entitled to one vote, a the majority of the votes so cast shall govern, except elections when the seven persons having the greatest nu ber of votes cast for director, shall be declared duly el ted.

Sec. 5. A majority of said directors shall form a qu

Quorum. rum for the transaction of all business, and shall organi by choosing one of their number president, and they sh have power to appoint a secretary and treasurer, and su other officers and agents as they shall deem fit, and m fix their compensation and may demand adequate secur for the performance of their respective trusts, and may move said officers, and revoke the powers of said agents pleasure. They shall also have power to make all neces

Officers. ry and proper by-laws, rules, and regulations for the ma agement of said company, the subscription of stock, t payment of installments thereon, the assignment and tra fer of stock certificates, and prescribing the duties of o cers; all of which by-laws, not inconsistent with the c stitution and laws of the state, when duly recorded in t books of the company, shall be effectual and binding up

May make by-laws. the members of said company and all persons interest therein, as if the same formed a part of this act of inc poration.

Sec. 6. The said board of directors shall also ha power to decide the time and manner in which s stockholders shall pay installments upon their stock, and declare the forfeiture of said stock, and all prior payme thereon, for failure to pay such installments as may called for, and also to accept, in behalf of the company

relinquishment of any stock, subscribe and execute to the person or persons relinquishing the same, valid releases discharging them from all liabilities thereafter, for or on account of the act of said company, or its officers. Forfeiture of stock.

Sec. 7. The said directors shall have the power to regulate tolls and to make such covenants and contracts, in the name and under the seal of said company, with any person or persons, as the execution and management of the work, and the convenience and interest of the company may require, and may issue to each stockholder a certificate or certificates for the shares which he, she or they shall subscribe for, stating in the body of such certificate or certificates, the amount paid on such share, at the time of issuing such certificate or certificates, which certificate or certificates shall be signed by the president and countersigned by the secretary of said company, and which certificate or certificates shall be transferable in the manner prescribed by the by-laws of said company. To issue certificate.

Sec. 8. The said company shall have power to locate and construct a single or double track road from James Street, in the village of Columbus, Columbia county, to such point on the road known and incorporated as the Watertown, Hubbleville, Portland, and Waterloo Plank Road, as shall be determined upon by a vote of the stockholders, holding a majority of the stock of said company, who shall be represented in person or by proxy, at a special meeting called for the purpose of fixing the location or termination of said road. The track of said road shall be constructed of plank, stone, gravel, or either, in whole or in part, each at the option of the directors, so that the same when complete, shall constitute a firm, regular, and proper surface for the passage of wagons and carriages. Route.

Sec. 9. It shall and may be lawful for said company, their officers, engineers, and agents, to enter upon any lands for the purpose of exploring, surveying, and locating the route of said plank road, doing thereto no unnecessary damage; and when said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors, and servants, at any time, to enter upon, take possession of, and use such lands not exceeding four rods in width, along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as will be ascertained in the manner hereinafter directed: *Provided*, That, in such places as may be necessary for the company to obtain gravel and stone, or to make excavations and embankments for the construction of said road, the company may May enter upon lands. Proviso.

locate the route of said road not to exceed six rods
width, and they may also cut down such trees on each
of the said road as may endanger said road, by falling
otherwise.

Sec. 10. When the said corporation shall not agree w
the owner or owners of any land, gravel, stone, or ot
material required for the construction of said road, for
purposes thereof, or for the compensation to be paid th
for, or when, by reason of the absence or legal incapac
of the owner or owners, no such agreement or purch
can be made, then, and in any such case, it shall be law
for any justice of the peace to issue a warrant directe
the sheriff or any constable of the county in which
land, gravel, stone, or other material is situated, not
rectly interested, requiring him to summon a jury of n
freeholders of his said county, not interested in said pr
erty, to meet the said justice at some convenient place a
near the property to be valued, on a day in said warr
named, not less than five nor more than ten days from
date of said warrant, and if, at the time and place nam
any of the persons so summoned, do not attend, the s
Jury to settle damages. sheriff or constable shall immediately summon so many
may be necessary, with the persons in attendance as jur
to furnish a pannel of nine jurors, and from them the s
company, and the owner or owners of the property to
valued, their agent or attorney, or either of them, and if th
are not present, in person or by attorney, the sheriff or c
stable shall, for him, her, or them, strike off each two
said jurors, and the remaining five shall act as a jury
inquest of damages. Before they act as such, the s
justice of the peace shall administer to each of them
oath or affimation that they will faithfully and impartia
value the land and material required for such road, a
all damage which the owner or owners shall sustain by r
son of the construction of said road, taking into consi
ration the advantages the same will be to the owner
owners, according to the best of his skill and judgme
Whereupon, the said] justice and jurors shall proceed
view the said land or material so required, and to hear t
evidence of the respective parties, which the said just
shall reduce to writing, which shall be signed by the s
justice, and the verdict of the jurors thereon shall be sign
Justice to transmit verdict. by the jurors or a majority of them, and by the just
of the peace, and the said justice of the peace shall, wi
in five days thereafter, transmit the same to the clerk
the circuit court of the proper county, who shall file t
same. Such inquisition shall describe the property tak

or to be taken, or the boundaries of the land in question, and the value thereof as aforesaid and such valuation, when paid, together with the cost of such inquisition, or tendered to the owner or owners, or deposited with the said circuit court, shall entitle the said company to the estate and interest in the same, thus valued as if it had been conveyed by the owner or owners thereof, so long as the land thus valued and taken shall be used for the track of the said plank road: *Provided*, That it shall not be lawful for any justice or jury of inquest to proceed in the valuation of any such property or materials in the absence of the owner or owners thereof, his, her, or their legal representatives, unless it be made to appear by affidavit, that such owner or owners have had at least five days' notice of the time and place of meeting, for the purpose of making such valuation, or unless it shall in like manner be shown that such owner or owners are under age, or *non compos mentis*; such service of notice may be made upon the guardian or trustees, under the same restrictions as in the case of owners, or if there be no guardian or trustee, the same shall be established by affidavit: *Provided*, That no such materials shall be taken if the jury shall decide that the same are essential to the owner or owners thereof: *Provided*, That any party conceiving himself aggrieved by any decision herein stated, may in every such case appeal from such decision to the circuit court of the county in which the property in question is situated, as in ordinary cases of appeal. Proviso.

May construct road on highway

Sec. 11. The directors shall have power, in their discretion to construct said plank road along or upon any road or highway now or hereafter to be laid out, opened and established by the proper authorities, and of such width and in such manner as the said directors shall determine: *Provided*, They procure by agreement with the supervisors of any town, the right to take and use any part of any public highway in such town, for the construction of such proposed roads, and agree with such supervisors upon the amount of compensation and damages to be paid by such company to such supervisors therefor. Every such agreement with the supervisors shall be in writing, and shall be filed in the town clerk's office of the town, and such compensation and damages, when paid to the supervisors, shall be expended by them in improving the highways of such town; and they may erect toll gates and exact toll from persons traveling on their road, whenever four consecutive miles are finished, or when the whole road is complete, not exceeding two cents per mile for every ve- Proviso.

hicle, sled, sleigh, or carriage drawn by two animals, and
drawn by more than two animals, one cent per mile for
ery additional animal; for every sled, sleigh, or carria
drawn by one animal, one cent per mile; and for eve
horse and rider or led animal, one cent per mile; for
score of sheep or swine, one cent per mile, and for eve
score of neat cattle, four cents per mile: *Provided*, T
persons going to and from military parade, at which th
are required by law to attend, and persons going to or
turning from funerals, and persons going to and returni
from church on the Sabbath, shall be exempt from t

Powers of toll gatherer.

The toll gatherer at each gate, when erected on said ro
in pursuance of this act, may detain and prevent from p
sing such gate, any animal or carriage, subject to toll,
til the toll thereon is paid.

Sec. 12. The said directors may receive from any sto
holder in said company, in lieu of money, for the sto
subscribed by him, real or personal security to the appro
of said board of directors, and upon the acceptance of su

May issue certificate.

security from said stockholders or any of them, the subscr
tion of such stockholder shall be considered as paid, a
certificates of stock shall be issued to the said stockhol
in the same manner as if he had paid in the full amount
his subscription in money, and it shall be competent
the said stockholders paying their subscriptions to s
stocks in securities as aforesaid, to contract and pay to s
company, interest at the rate of twelve per cent. per annu
for a period not exceedingd ten years, and to execute to s
company, by its corporate name, bonds, mortgages,
notes, for such stock, which shall be available for the

Stock transferable.

and benefit of said company, and for all subsequent ho
ers thereof, and be transferable by them or any of the
in the same manner as if the same were made payable
individuals or to their order or assigns.

Sec. 13. If any person shall wilfully or knowingly
struct, break, injure, or destroy the said road to be c
structed by the said company, or any part thereof, or a
work, or building, or fixtures attached to or in use upon

Damage to road how punished.

same belonging to said company, such person or persons
offending shall each of them, for every such offence,
liable to a civil suit for the recovery of damages by s
company, by an action of trespass in any court having co
petent jurisdiction in the county where the offence sh
have been committed, and shall also be subject to indi
ment, and upon conviction shall be punished by fine a
imprisonment or either, at the discretion of the court.

Sec. 14. Any person who shall wilfully break do

any gate on such road, which may have been erected in pursuance of this act, or do any damage to said road, or forcibly or fraudulently pass any such gate without having paid the legal toll, or to avoid the payment of the legal toll, shall, with his team, carriage, or animals, turn out of said road, or pass any gate thereon, or ground adjacent thereto, and again return on said road, shall, for each offence, forfeit a sum not exceeding ten dollars, and also be liable for all damages done to the profits of said company, in an action of trespass. Penalty for passing gate.

SEC. 15. The directors of said company at any annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders may provide for such increase of the capital stock of said company as may be found necessary to complete said road, in such sections as may have been actually commenced, but remain in an unfinished state, for want of means for completing the same. May provide for increase of capital stock.

SEC. 16. At each annual meeting of the stockholders, for the purpose of choosing directors, the directors of the preceding year shall exhibit to the meeting a complete statement of the affairs and proceedings of the company for such year; and special meetings of the stockholders may be called by the directors, or any number of stockholders holding one-fourth in amount in capital stock of the company, by giving twenty days' notice of the time and place of such meeting, in a newspaper published in either of the counties through which said road is run. Directors to make exhibit.

SEC. 17. This act is hereby declared to be a public act, and copies thereof printed by authority of the state, shall be received as evidence thereof.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.

Approved, March 8, 1852.

LEONARD J. FARWELL.

[*Published, March* 17, 1852.]

Chap 100 An Act to incorporate the Madison, Hanchettville, and Portland Plank Road Comp

The people of the State of Wisconsin represented Senate and Assembly, do enact as follows:

Commissioners. SECTION 1. Reed Parker, D. Clark, C. Lum, C. Wa man, Urban Parsons, William Smith, C. M. Sifert, A. Hanchett, John A. Taylor, G. M. Buell, J. B. Gils and George Nichols, T. B. Pierce, Calvin Flowers, and they are hereby appointed commissioners, un the direction of a majority of whom subscriptions may received to the capital stock of the Madison, Hanchettv and Portland Plank Road Company, hereby incorporat

To open books. and they may cause books to be opened at such times places as they shall direct, for the purpose of receiving s scriptions to the capital stock of said company, first ing thirty days' notice of the times and places of tak such subscriptions, by publishing the same in one or m of the newspapers printed in the county of Dane.

Capital stock. SEC. 2. The capital stock of said company shall be tw ty-five thousand dollars, in shares of ten dollars each, as soon as two hundred shares of the capital stock shall subscribed, and five per cent. of the amount ther actually paid in or secured to the said company, the s scribers to said stock, with such other persons as shall the after associate with them for that purpose, their success and assigns, shall be, and hereby are created and dec ed a body corporate and politic by the name and style of

Powers. Madison, Hanchettville, and Portland Plank Road Com ny, with perpetual succession, and by that name shall be pable in law, of purchasing, holding, selling, bargaining, a conveying estate, real, personal, or mixed, and in their cor rate name may sue or be sued, may have a common s which they may alter or renew at pleasure, and genera may do all and singular the matters and things which incorporate company may by law do.

To give notice. SEC. 3. The said commissioners, or a majority of the after said two hundred shares of stock shall have been s scribed as aforesaid, shall give at least twenty days' not in one or more of the newspapers of the said cou of Dane, of the time and place of the meeting of stockholders, for the purpose of electing seven direct who shall hold their offices until their successors are elect and annually thereafter, on the anniversary of the f election, upon notice of the place of meeting being gi by the directors then in being, being published in one more of the newspapers in the county aforesaid, to be d ignated by the said directors, the said stockholders sh

meet to elect directors: *Provided*, That until the first election of directors, the said commissioners above named, upon the subscription of two hundred shares of stock, and the organizing of said commissioners by the election by them one of their number president, shall have all the powers and perform all the duties of a board of directors for said company, and the corporate existence of said company shall be taken and held to have begun and be complete, as if a regular election of directors had taken place, and in case of a vacancy at any time in the board of directors, or in said board of commissioners acting in the capacity of directors, the board shall have power to fill such vacancies.

To elect President.

May fill vacancy.

SEC. 4. The affairs of said company shall be managed by the said directors, who shall be stockholders, and be chosen by ballot by the stockholders, in person or by their proxies duly authorized; and in all elections and in the decision of all questions acted upon at any meeting of the stockholders, each share of stock shall be entitled to one vote, and the majority of the votes cast shall govern, except in elections where the seven persons having the greatest number of votes cast for directors, shall be declared duly elected.

Election

SEC. 5. A majority of said directors shall form a quorum for the transaction of all business, and shall organize by appointing one of their number president, and they shall have power to appoint a secretary and treasurer, and such other officers and agents as they shall deem fit, and may fix their compensation, and may demand adequate security for the performance of their respective trusts, and may remove said officers, and revoke the powers of said agents at pleasure. They shall also have power to make all necessary and proper by-laws, rules, and regulations for the management of said company, the subscription of stock, the payment of installments thereon, the assignment and transfer of stock certificates, and prescribing the duties of officers; all of which by-laws, not inconsistent with the constitution and laws of this state, when duly recorded in the books of the company, shall be effectual and binding upon the members of said company and all persons interested herein, as if the same formed a part of this act of incorporation.

Quorum.

Officers

May make by-laws.

SEC. 6. The said board of directors shall have power also to decide the time and manner in which said stockholders shall pay installments on their stock, and to declare the forfeiture of said stock, and all prior payments thereon, for failure to pay such installments as may be

Installments.

called for; also to accept, in behalf of said company, relinquishment of any stock subscribed, and to execute to t person or persons relinquishing the same, valid releas discharging them from all liabilities thereafter, for or account of the acts of said company.

SEC. 7. The said directors shall have power to re ulate tolls and to make such covenants and contracts, the name and under the seal of said company, with a person or persons, as the execution or management of t work, and the convenience and interest of the compa certifi- may require, and may issue to each stockholder a certifica or certificates for the shares which he, she, or they shall su scribe for, stating in the body of such certificate or certi cates, the amount paid on such share, at the time of suing such certificate or certificates, which certificate certificates shall be transferable in the manner prescrib by the by-laws of said company.

SEC. 8. The said company shall have power to construct single or double track road from Madison, via the villag of Hanchettville, town of Medina, Dane county, Wisco sin, and thence to the village of Portland, in Dodge cou ty, to intersect the Watertown, Hubbleville, Portlan and Waterloo Plank Road, at that point, and by the mo ligible and practicable route, as the directors shall decid he track of said road shall be constructed of plan one, gravel, charcoal, or either, in whole or in part, eac the option of the directors, so that the same when con te, shall constitute a firm, regular, and proper surface f passage of wagons and carriages.

EC. 9. It shall and may be lawful for said compan r officers, engineers, and agents, to enter upon an 's for the purpose of exploring, surveying, and locatin oute of said plank road, doing thereto no unnecessar ge; and when said route shall be determined by sai any, it shall be lawful for them, their agents, officer eers, contractors, and servants, at any time, to ent and take possession of, and use said lands not excee r rods in width, along the line of said [route] subjec er, to the payment of such compensation as the con ay have agreed to pay therefor, or as will be asce in the manner hereinafter directed: *Provided*, Tha pla es as may be necessary for the company to o vel and stone, or to make excavations and emban the construction of said road, the company ma route of said road not to exceed six rods

enter upon lands &c.

Proviso.

locate t width, and they may also cut down such trees on each se

of such road as may endanger said road, by falling or otherwise.

Sec. 10. When the said corporation shall not agree with the owner or owners of any land, gravel, stone, or other material required for the construction of said road, for the purpose thereof, or for the compensation to be paid therefor, or when, by reason of the absence or legal incapacity of the owner or owners, no such agreement or purchase can be made, then, and in any such case, it shall be lawful for any justice of the peace to issue a warrant directed to the sheriff or any constable of said county not directly interested, requiring him to summon a jury of nine freeholders of said county, not interested in said property, to meet the said justice at some convenient place at or near the property to be valued, on a day in said warrant named, not less than five nor more than ten days from the date of said warrant, and if, at the time and place named, any of the persons so summoned, do not attend, the said sheriff or constable shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a pannel of nine jurors, and from them the said company, and the owner or owners of the said property to be valued, their agents or attorneys, or either of them, and if they are not present, [in person or] by attorney, the sheriff or constable shall, for him, her, or them, strike off each two of said jurors, and the remaining five shall act as a jury of inquest of damages. Before they act as such, the said justice of the peace shall administer to each of them an oath or affirmation that they will faithfully and impartially value the land and materials required for such road, and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantage the same will be to the owner or owners, according to the best of his skill and judgment. Whereupon, the said justice and jurors shall proceed to view the said land or material so required, and to hear the evidence of the respective parties, which the said justice shall reduce to writing, which shall be signed by the said justice, and the verdict of the jurors thereon shall be signed by the jurors or a majority of them, and by the justice of the peace; and the said justice of the peace shall, within five days thereafter, transmit the same to the clerk of the circuit court of the proper county, who shall file the same. Such inquisition shall describe the property taken or [to] be taken, or the boundaries of the land in question, and the value thereof as aforesaid and such valuation, when paid, together with the cost of such inquisition,

Jury to settle damages.

Justice to transmit verdict.

or tendered to the owner or owners, or deposited w
the said court, shall entitle the said company to
estate and interest in the same, thus valued as if
had been conveyed by the owner or owners so l
as the land thus valued and taken shall be used for
track of said plank road: *Provided*, That it shall
be lawful for any justice or jury of inquest to proce
Proviso. in the valuation of any such property or material in
absence of the owner or owners thereof, his, her, or th
legal representatives, unless it be made to appear by affi
vit, that such owner or owners have had at least five da
notice of the time and place of meeting, for the purpos
making such valuation, or unless it shall in like man
be shown that such owner or owners are under age, or
compos mentis. Such service of notice may be made u
the guardian or trustee, under the same restrictions a
the case of owners, or if there be no guardian or trus
the same shall be established by affidavit: *Provided*, T
no such materials shall be taken if the jury shall
cide that the same are essential to the owner or o
ers thereof: *Provided*, That any party conceiv
himself aggrieved by any decision hereafter stated, may
every such case appeal from such decision to the cir
court of the county in which the property in questio
situated, as in ordinary cases of appeal.

May construct road on highway

Sec. 11. The directors shall have power, in their dis
tion to construct said plank road along or upon any r
or highway now or hereafter to be laid out, opened
established by the proper authorities, and of such wi
and in such manner as the said directors shall determi
Proviso. *Provided*, They procure by agreement with the supe
sors of any town, the right to take and use any part of
public highway in such town, for the construction of s
proposed road, and agree with such [supervisors] upon
amount of compensation and damages to be paid
such company to such supervisors therefor. Every s
agreement with the supervisors shall be in writing,
shall be filed in the town clerk's office of the town,
such compensation and damages, when paid to the su
visors, shall be expended by them in improving the hi
ways of such town; and they may erect toll gates and
act toll from persons traveling on their road, w
three consecutive miles are finished, or when the whole r
is completed, not exceeding two cents per mile for ev
vehicle, sled, sleigh, or carriage drawn by two anim
one cent per mile for every additional animal; and for e
ry sled, sleigh, or carriage, drawn by one animal, one c

per mile; and for every horse and rider or led animal, one cent per mile; for every score of sheep or swine, one cent per mile, and for every score of neat cattle, four cents per mile: *Provided*, That persons going to and from military parade, at which they are required by law to attend, and persons going to and from funerals, shall be exempt from toll. The toll gatherer at each gate, when erected on said road, in pursuance of this act, may detain and prevent from passing such gate, any animal or carriage, subject to toll, until the same is paid. Powers of toll gatherer.

Sec. 12. The said directors may require from any stockholder in said company, in lieu of money, for the stock subscribed by him, real or personal security to the approval of said board of directors, and upon the acceptance of such security from said stockholders or any of them, the subscription of such stockholder shall be considered as paid, and certificates of stock shall be issued to said stockholder in the same manner as if he had paid in the full amount of his subscription in money, and it shall be competent for the said stockholders paying their subscriptions to said stock in securities as aforesaid, to contract and pay to said company, interest at the rate of twelve per cent. per annum for a period not exceeding ten years, and to execute to said company, by its corporate name, bonds, mortgages, or notes, for such stock, which shall be available for the use and benefit of said company, and for all subsequent holders thereof, and be transferable by them or any of them, in the same manner as if the same were made payable to individuals or to their orders or assigns. May issue certificate. Stock transferable.

Sec. 13. If any person shall wilfully or knowingly obstruct, break, injure, or destroy the said road when constructed by said company, or any part thereof, or any work, building, or fixtures attached to or in use upon the same belonging to said company, such person or persons so offending shall each of them, for every such offence, be liable to a civil suit for the recovery of damages by said company, by an action of trespass in any court having competent jurisdiction in the county where the offence shall have been committed, and shall also be subject to indictment, and upon conviction shall be punished by fine and imprisonment, or either, at the discretion of the court. Damage to road how punished.

Sec. 14. Any person who shall wilfully break down any gate on such road, which may have been erected in pursuance of this act, or do any damage to said road, or forcibly or fraudulently pass any such gate without having paid the legal toll, or to avoid the payment of the legal toll, shall, with his team, carriage, or animals, turn out Penalty for passing toll gate.

of said road, or pass any gate thereon, or ground adjace
thereto, and again return on said road, shall, for each
fence, forfeit a sum not exceeding ten dollars, to and
the use of said company, and also for all damages done
the profits of said company, in an action of trespass.

Sec. 15. The directors of said company, at any annu
or special meeting of the stockholders, with the consent o
May provide for increase of capital stock. majority in amount of said stockholders, may provide
such increase of the capital stock of said company as m
be found necessary to complete said road, in such sectio
as may have been actually commenced, but remain in
unfinished state for want of means for completing t
same.

Sec. 16. If said corporation should not, within thr
years from the passage of this act, commence the constru
How charter forfeited. tion of said plank road and expend three thousand dolla
or more thereon, and shall not, within ten years from t
passage of this act, construct, finish, and put in operati
a single or double track, of plank or gravel road, betwe
the village of Hanchettville and village of Portland, th
the rights, privileges, and powers of the said corporati
under this act shall be null and void.

Sec. 17. This act shall be favorably construed to effe
Public act. the purposes thereby intended, and the same is hereby
clared to be a public act, and copies thereof printed by
thority of the state, shall be received as evidence there

Sec. 18. This act may be altered or amended by a
future legislature of the state of Wisconsin.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, March 9, 1852.
LEONARD J. FARWELL.
[*Published, March* 17, 185

Chap 101 An Act to incorporate the Oconomowoc, Mayville, and Fond du Lac Plank Roa Company.

*The people of the State of Wisconsin, represented
Senate and Assembly, do enact as follows:*

Section 1. The stockholders of the Mayville, I
Ridge, Neosho, Monterey, and Oconomowoc Plank Ro
Company, having been duly organized, and having co
plied with the provisions of chapter fifty of the revised st
utes, requisite for a complete organization under the ge
ral plank road law, according to the affidavits of the

rectors of said company, endorsed on the articles of association now on file in the office of the Secretary of State, and not being able to accomplish the objects of said association under the general law, are hereby declared a body politic and corporate by the name and style of the Oconomowoc, Mayville, and Fond du Lac Plank Road Company, with perpetual succession, and they shall have all the privileges, franchises, and immunities incident to a corporation; they shall be capable in law in their corporate capacity of sueing and being sued, of purchasing, holding, leasing and conveying estate either real, personal, or mixed, and in their corporate name may have a common seal which they may alter or renew at pleasure, and may generally do all things for the interest and well being of said company.

Created a body corporate.

Powers, &c.

Sec. 2. The business and property of this company shall be managed by a board of seven directors who shall be stockholders, and be chosen annually by ballot of stockholders of said company, the vote being given in person or by proxy duly authorized, which directors shall appoint one of their number president. The present officers of the Mayville, Iron Ridge, Neosho, Monterey, and Oconomowoc Plank Road Company, shall be the officers of the company hereby incorporated, until others are elected and qualified. Each share of stock shall be entitled to one vote, and in all elections for directors the seven stockholders having the greatest number of votes shall be declared duly elected. They shall make and establish such by-laws, rules, orders, and regulations not inconsistent with the constitution and laws of the United States and of the state of Wisconsin, as may be necessary for the well ordering of the affairs of said company. Whenever any vacancy or vacancies shall occur in the board of directors, they shall be filled for the remainder of the term by the remaining directors; and in elections no stockholder shall be entitled to vote for directors or any other purpose unless all assessments due on his stock shall have been paid before such election.

Affairs to be conducted by board of directors.

How vacancy filled.

Sec. 3. That in case the annual election for directors shall not be held on the day fixed by the by-laws, the corporation shall not be dissolved, and it shall be lawful to hold an election on any other day for the election of directors; and the directors of such company shall give proper notice of such election, by posting notices at least fifteen days before such elections. Four directors shall form a quorum for the transaction of business; and the acts of a majority of such quorum shall bind the corporation; the board of directors shall appoint a treasurer, secretary, and such

When election not held on day fixed may be at any other time.

other officers as they may find necessary, and shall their compensation, and adequate security for the perfo ance of their trust.

Special powers. Sec. 4. In addition to the general powers, duties, trusts heretofore authorized, the president and direct shall have specially the power to decide the time and m ner in which the said stockholders shall pay the mo due on their respective shares already subscribed, and be subscribed, not exceeding ten per cent. on any one stallment, nor shall any two installments be required to paid within thirty days of each other, and if such inst ments are not paid within thirty days after they bec due, they may sue for and collect the same in the nam the corporation, or may declare the stock forfeited on wh such installments shall have remained so due, to the and benefit of the company, after publishing a notic that effect thirty days in a newspaper printed in a cou where the owner or owners of such stock resides, or b written notice served upon such owners; they shall e cise all powers conferred upon them by law, and pay all counts, give and receive such receipts and discharges debt as shall be deemed by them for the best interest of

Proviso. company; they shall have power to regulate tolls: *Pr ded*, They shall not collect more than is allowed by rates as established by the general laws on the road wh is planked or graveled, nor more than one-half of amount for traveling on the grade before it is planke gravelled; and they shall have power to make such c nants, contracts, and agreements with any person or sons, or body politic whatsoever, as the execution and n agement of the work and construction of said road, convenience and interest, the consolidation of the stoc said company, and the prosperity of the said company require.

Capital stock. Sec. 5. The capital stock of the company shall not ceed one hundred thousand dollars, which shall be divi into shares of ten dollars each, and certificates of stoc the Mayville, Iron Ridge, Neosho, Monterey, and Oc mowoc Plank Road Company, duly executed and sig unconditionally, shall be certificates of so much stoc the company hereby chartered, and said company s have full power and authority to take, use, and adopt grade now constructed by said company under their mer organization, and they shall have power to ext such road from Mayville to Fond du Lac, at such poin the directors of said company may think proper, and to construct such branch or branches to connect with s

town or towns in Dodge county, as the best interest of the company may indicate as advisable; and they shall have power to erect all such toll gates, houses, bridges, and other works and appendages as may be necessary for the convenience and interest of said company; and so long as the road is made free to the public, and so long thereafter as they may elect, all persons residing on said road shall pay their highway taxes to said company, and any town through which said road may run, is hereby authorized to subscribe and pay for such amount of stock in the same as the people of such town may direct at any annual town meeting, and raise the same in the same manner as other town expenses.

Powers to locate route, &c.

Sec. 6. It shall and may be lawful for said company, their officers, engineers, and agents, to enter upon any lands for the purpose of exploring, surveying, and locating the route of said plank or turnpike road, doing thereto no unnecessary damage, and when said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors, and servants, at any time to enter upon, take possession of, and use such lands for the purpose of said road, not exceeding four rods in width along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter directed and provided for.

Questions of damage, how settled.

Sec. 7. When the said corporation cannot agree with the owner or owners of any land, gravel, stone, or other material required for the construction of said road, for the purchase thereof, or the compensation to be paid therefor, or when by reason of the absence or legal incapacity of the owner or owners, no such agreement or purchase can be made, then and in that case it shall be lawful for any justice of the peace in the county in which the property may lie, to issue his warrant to the sheriff or any constable of said county, not directly interested, requiring him to summon a jury of nine freeholders of said county not interested in said property to meet at some convenient place at or near the property to be valued on a day in said warrant named, not less than five nor more than ten days from the date of the warrant, and if at the time and place named, any of the persons so summoned do not attend, the sheriff or constable shall immediately summon as many as may be necessary from the persons in attendance, as jurors, to furnish a pannel of nine jurors, and from them the said company and the owner or owners of the property to be valued, their agent or attorney, or either of them, and if they are not present in person or by attorney, the sheriff

or constable shall for him or her, strike off each two of s
jurors, and the remaining five shall act as a jury of inqu
of damages, and before they act as such, the said sheriff
constable shall administer to each of them an oath or a
mation, that he will faithfully and impartially value
land or material required for said road, and all dama
which the owner or owners shall sustain by reason of
construction of the said road, taking into consideration
advantage the same will be to the owner or owners acc
ing to the best of his skill and judgment; whereupon
said jurors shall proceed to view the land or material
required and to hear the evidence of the respective part
which said jurors shall reduce to writing, which shall
signed by all or a majority of said jurors, and by the sh
iff or other officer in attendance, and the said officer sh
within five days thereafter, transmit the same to the cl
of the county court of the proper county, who shall file
same. Such inquisition shall describe the property to
taken, or the boundaries of the land in question, and
value thereof as aforesaid; and such valuation, when pa
together with the cost of such inquisition, or tendered
the owner or owners, or deposited with the said court, sh
entitle the said company to the estate and interest in
same thus valued, as if it had been conveyed by the ow
Proviso or owners thereof in fee simple: *Provided*, It shall not
lawful for any such jury of inquest, to proceed in the va
ation of any such property, or material, in the absence
the owner or owners thereof, his, her, or their legal rep
sentative, unless it be made to appear by affidavit, t
such owner or owners have had at least five days' not
of the time and place of meeting, for the purpose of m
ing such valuation, or unless it shall in like manner
shown that such owner or owners are absent from the co
ty, and if such owner or owners are under age or *non c*
pos mentis, the service of notice upon the guardian or t
tee, (if there be any,) or their absence from the cou
shall be required to be established by affidavit, to the s
jurors, before they shall proceed to make such valuati
Provided, further, That in case of disagreement the c
pany shall not take possession of any land or material
til said jury shall have first decided that the taking ther
is necessary, and in the case of materials, that the sa
are not essentially necessary to the owner or owners,
his, her, or their private use.

Stock to be personal property. Sec. 8. The shares of stock of the corporation shall
deemed personal property, and every person becomin
stockholder by transfer, purchase, or otherwise, of sha

of said stock, shall succeed to all rights and liabilities of the prior holder of said share or shares, and said shares shall be liable to be taken in execution for the payment of the debts of their owners, in such manner as is, or may be provided by law: *Provided*, That all debts due said company shall be first paid. Whenever the route of said road follows the line of any public highway, the said company shall not take possession of said highway until the commissioners of highways of the town through which it passes shall have given their written consent, which shall be recorded in the town clerk's office, or if the said commissioners refuse to give their consent, then the damages to the town shall be appraised for each highway so taken or ascertained, as in the case of private property, and the amount so appraised for each highway so taken, shall be paid to said commissioners of the town to which it belongs, to be by them applied in improving the roads in such town, and the commissioners of highways of such town shall be deemed the owners of such highway so taken, for the purpose of service of notice of inquest, &c. Proviso.

Sec. 9. If any person shall knowingly or wilfully obstruct, break, injure, or destroy, the plank or turnpike road so to be constructed by said company, or any part thereof, or any work, building, or fixture attached to, or in use upon the same, belonging to said company, such person or persons so offending shall each and every one of them, for every such offence, be liable in a civil suit for the recovery of damages by said company, by an action of trespass in any court having competent jurisdiction in the county wherein the offence shall have been committed, and shall also be subjected to indictment, and upon conviction shall be punished by fine not to exceed five hundred dollars, or by imprisonment not to exceed six months, or by both at the discretion of the court. Damage to road how punished.

Sec. 10. Each toll gatherer may detain and prevent from passing through his gate, all persons riding, leading, or driving animals or carriages, subject to toll, until they shall have paid respectively, as authorized by this act; and any person who shall forcibly or fraudulently pass any toll gate erected on said road in pursuance of this act without having paid the legal toll, and any person who, to avoid the payment of legal toll, shall with his carriage or horse or other vehicle or animal or animals liable to toll, turn out of such road or pass any gate thereon, on any ground adjacent thereto, and enter again on such road, shall for each offence be liable to a fine not exceeding ten dollars. Penalty for evading tolls.

Sec. 11. This act shall be favorably construed to effect

Public act.

the purposes thereby intended in all courts and places, a
the same is hereby declared to be a public act, and copi
thereof printed by authority of the state shall be receiv
as evidence of all provisions herein contained, and shall
binding upon said company from and after the time wh
the president and directors of said company, chosen und
their former organization, shall have filed their certifica
of acceptance of this act, in the office of the secretary
state, and on completion of said road or any portion there
not less than five miles, the company may erect one
more toll gates upon their road and demand and recei
toll from time to time as heretofore provided.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved, March 9, 1852.
LEONARD J. FARWELL.
[*Published March* 22, 185

An Act to incorporate the Waterloo and Sun Prairie and Madison Plank Gravel Road Company.

Chap 102

*The people of the State of Wisconsin represented
Senate and Assembly, do enact as follows:*

Commissioners appointed.

SECTION 1. A. T. Mattice, M. T. Walker, Charles Bo
man, C. D. Topping, Nathaniel Smith, Silas Smith, Geor
Anderson, Richard Dean, A. Ogden, A. A. Bird, W
Welch, and their associates, be and they are hereby a
pointed commissioners, under the direction of a majori
of whom subscriptions may be received to the capital sto
of the Waterloo and Sun Prairie Plank and Gravel Ro
Company, and they, or a majority of them, may cau
books to be opened at such times and places as they sh

May open books

direct, for the purpose of receiving subscriptions to t
capital stock of said company, first giving thirty days'
tice of the times and places of taking such subscriptio
by publishing the same in one or more newspapers print
in the town of Madison.

SEC. 2. The capital stock of said company shall
eleven thousand dollars, and shall be divided into shar
of twenty dollars each; and as soon as four hundred sha

Powers and duties.

of the capital stock shall be subscribed, and one dollar
each share actually paid in, the subscribers of such sto
with such other persons as shall associate with them
that purpose, their successors and assigns, shall be, a
they are hereby declared and created a body corporate a

politic, by the name and style of "The Waterloo and Sun Prairie Plank and Gravel Road Company," with perpetual succession; and by that name shall have all the privileges, franchises, and immunities incident to a corporation, to wit: they shall be capable in law of purchasing, holding, leasing, and conveying estate, either real, personal, or mixed; and in their corporate name, may sue and be sued, may have a common seal, which they may alter or renew at pleasure, and generally may do all and singular the matters and things which they are authorized by law to do for the interest and well being of said company.

Commissioners to give notice.

Sec. 3. The said commissioners, or a majority of them, after the said four hundred shares of stock shall have been subscribed, shall give at least twenty days' notice in the newspapers hereinbefore mentioned, of the time and place of meeting of the stockholders, for the purpose of electing seven directors, who shall elect one of their number president; and annually thereafter, the said stockholders shall meet on the first Monday of July, for the purpose of electing directors as aforesaid, upon a like previous notice, to be given by a majority of the directors for the time being, in such newspapers as they may think proper: *Provided*, That previous to the first election, the commissioners hereinbefore named shall elect one of their number president, and they shall perform all the duties, and be invested with all the powers of directors: *And provided*, That if, from any cause, an election shall not be held at the regular time specified therefor, the same may be held at any other time on notice as aforesaid; that until such election, the directors of the preceding year shall continue to act, and this act shall not be avoided by reason of the irregularity or want of such election; and in case of any vacancy in the board of directors, the same shall be filled by the other directors or by a majority of them.

Proviso.

Directors to manage affairs.

Sec. 4. The affairs of said company shall be managed by a board of seven directors, who shall be stockholders, and be chosen annually by ballot by the stockholders of said company, the vote to be given in person or by proxy duly authorized; which directors shall serve until others are elected in their stead. They shall make and establish such by-laws, rules, orders, and regulations, not inconsistent with the constitution and laws of the United States, and of the State of Wisconsin, as may be necessary for the well ordering of the affairs of said company. Each share of stock shall be entitled to one vote, and in all cases of elections for directors, the seven stockholders having the greatest number of votes shall be declared duly elected.

To choose officers.

SEC. 5. Five directors shall constitute a quorum for th transaction of business, who, in the absence of the pres dent, may appoint a president *pro tem.* The said directo shall appoint a secretary, treasurer, such engineers, an other officers as they may find necessary, and fix their co pensation, and may demand adequate security for the pe formance of their respective trusts, and they shall ha power to decide the time and manner in which the sa stockholders shall pay the money due on their respecti shares, not exceeding twenty-five per cent. in any one i stallment, and to forfeit to the use of said company t share or shares of every person or persons failing to p any installment at a reasonable period not less than thir days after the time appointed for the payment there They shall have power to regulate tolls, to make such co enants, contracts, and agreements with any person or p sons or body politic whatever, as the execution and ma agement of the works, and the convenience and intere of the company may require, and in general, to super tend and direct all the operations, receipts, disbursemen and other proceedings of the company. The commissi ers, until the directors are chosen, shall issue certifica to each stockholder for the number of shares he, she, they shall subscribe for or hold in said corporation, sign by the president, and countersigned by the secretary, su ject to all payments due and to become due thereon; wh stock shall be transferable in person or by attorney, exe tors, administrators, guardians, or trustees, under such regu tions as may be provided by the by-laws of said compa

SEC. 6. The said company shall have power to cre and construct a single or double track plank, or par plank, and partly plank and gravel, or stone road, fr Route. the western terminus of the Watertown and Portla plank road, through the village of Waterloo, in the cou of Jefferson, to the village of Sun Prairie; and the to Madison, in the county of Dane, on the direct sect line, to section six, west of Mr. Dean's farm, in the town Medina, from and to such points as shall be determi upon by a vote of the stockholders having a majority of stock of said company, and who shall be represented person or by proxy, at a special meeting called for t purpose, of fixing the location or termination of said ro Duties of directors. and they shall have power to erect all such toll hou bridges, and other works, and appendages as may be nece ry for the convenience of said company, in the use of s road. The directors shall exercise all powers confer on them by law, shall audit and pay all accounts, give

rectors of said company, endorsed on the articles of association now on file in the office of the Secretary of State, and not being able to accomplish the objects of said association under the general law, are hereby declared a body politic and corporate by the name and style of the Oconomowoc, Mayville, and Fond du Lac Plank Road Company, with perpetual succession, and they shall have all the privileges, franchises, and immunities incident to a corporation; they shall be capable in law in their corporate capacity of sueing and being sued, of purchasing, holding, leasing and conveying estate either real, personal, or mixed, and in their corporate name may have a common seal which they may alter or renew at pleasure, and may generally do all things for the interest and well being of said company.

Created a body corporate.

Powers, &c.

Sec. 2. The business and property of this company shall be managed by a board of seven directors who shall be stockholders, and be chosen annually by ballot of stockholders of said company, the vote being given in person or by proxy duly authorized, which directors shall appoint one of their number president. The present officers of the Mayville, Iron Ridge, Neosho, Monterey, and Oconomowoc Plank Road Company, shall be the officers of the company hereby incorporated, until others are elected and qualified. Each share of stock shall be entitled to one vote, and in all elections for directors the seven stockholders having the greatest number of votes shall be declared duly elected. They shall make and establish such by-laws, rules, orders, and regulations not inconsistent with the constitution and laws of the United States and of the state of Wisconsin, as may be necessary for the well ordering of the affairs of said company. Whenever any vacancy or vacancies shall occur in the board of directors, they shall be filled for the remainder of the term by the remaining directors; and in elections no stockholder shall be entitled to vote for directors or any other purpose unless all assessments due on his stock shall have been paid before such election.

Affairs to be conducted by board of directors.

How vacancy filled.

Sec. 3. That in case the annual election for directors shall not be held on the day fixed by the by-laws, the corporation shall not be dissolved, and it shall be lawful to hold an election on any other day for the election of directors; and the directors of such company shall give proper notice of such election, by posting notices at least fifteen days before such elections. Four directors shall form a quorum for the transaction of business; and the acts of a majority of such quorum shall bind the corporation; the board of directors shall appoint a treasurer, secretary, and such

When election not held on day fixed may be at any other time.

each two of said jurors, and the remaining five shall a
as a jury of inquest of damages; and before they act
such, the said sheriff or constable shall administer to ea
of them an oath or affirmation that he will faithfully a
impartially value the lands or materials required for sa
road, and all damages which the owner or owners shall su
tain by reason of the construction of said road, taking in
consideration the advantage the same will be to the owner
owners, according to the best of his skill and judgmer
Whereupon, the said jurors shall proceed to view the sa
land or material so required, and to hear the evidence
the respective parties, which the said jurors shall redu
to writing, which shall be signed by all or a majority
said jurors, and by the sheriff or other officer in attendanc
and the said officer shall, within five days thereafter, tra
mit the same to the clerk of the district court of the prop
county, who shall file the same. Such inquisition sh
describe the property taken or to be taken, or the bound
ries of the land in question, and the value thereof as afo
said and when such valuation, shall be paid, together wi
the costs of such inquisition, or tendered to the owner
owners, or deposited with the said court, shall entitle t
said company to the estate and interest in the same, th
valued as if it had been conveyed by the owner or owne
thereof in fee simple, so long as the land thus valued a
taken shall be used for the track of said road and not
Proviso. terwards: *Provided*, That it shall not be lawful for a
such jury of inquest to proceed in the valuation of a
such property or material in the absence of the owner
owners thereof, his, her, or their legal representatives, u
less it be made to appear by affidavit, that such owner
owners have had at least five days' notice of the time a
place of meeting, for the purpose of making such valu
tion, or unless it shall in like manner be shown that su
owner or owners are absent from the county, and if su
owner or owners are under age, or *non compos mentis* t
service of notice upon the guardian or trustee, (if there
any,) or in their absence from the county, that fact shall
required to be established by affidavit to the said juro
before they shall proceed to make such valuation: *Pro
ded further*, That in case of such disagreement, the co
pany shall not take possession of any land or material
til such jury shall have decided that the taking thereof
necessary, and in case of material, that the same are
essentially necessary to the owner or owners thereof,
his, her, or their private and proper use.

SEC. 9. The shares of stock of the company shall

deemed personal property, and every person becoming a stockholder, by transfer, purchase, or otherwise, of shares of said stock, shall succeed to all the rights and liabilities of the prior holder of said share or shares, and the said shares shall be liable to be taken in execution for the payment of the debts of their owners, in such manner as is or may be provided by law: *Provided*, That all debts due said company shall first be paid. When the route of said road follows the line of any public highway, the said company shall not take possession of said highway until the commissioners of highways, for the town through which it passes, shall have given their written consent, which shall be recorded in the town clerk's office, or if the said commissioners shall refuse to give their consent, then the damages to the town shall be appraised or ascertained as in the case of private property, and the amount so appraised for such highway so taken, shall be paid to the treasurer of the town to which it belongs, to be applied in improving the roads in such town.

Stock to be considered personal property.

Sec. 10. The directors may erect toll gates and exact toll from persons traveling on their road, whenever three consecutive miles are finished, or when the whole road is completed, not exceeding two cents a mile for every vehicle, sled, sleigh, or carriage drawn by two animals; and if drawn by more than two animals, one cent a mile for every additional animal; for every vehicle, sled, sleigh, or carriage, drawn by one animal, one cent a mile; and for every horse and rider, or led animal, one cent a mile; for every score of sheep or swine, three cents a mile; and for every score of neat cattle, four cents a mile: *Provided*, That persons going to and returning from military parade, at which they are required by law to attend, and persons going to or returning from funerals, shall be exempt from toll; and no toll shall be exacted of any person or persons while actually going to or returning from any religious meeting on Sunday.

May erect toll gates.

Proviso.

Sec. 11. If any person shall wilfully and knowingly obstruct, break, injure, or destroy the plank road so to be constructed by said company, or any part thereof, or any work, building, or fixture attached to, or in use upon the same, belonging to said company, such person or persons so offending, shall each of them, for every such offence, be liable in a civil suit for the recovery of damages by said company, by an action of debt, in any court having competent jurisdiction in the county wherein the offence shall have been committed, or by an action of trespass on the case, in any county where the person or persons committing

Penalty.

such offence may be found at the time of serving the pro cess; and such offender shall also be subject to indict ment, and upon conviction, shall be punished by fine and imprisonment, or either as prescribed by law.

Sec. 12. The directors of said company may, at any annual or special meeting of the stockholders, with the consent of a majority of amount of such stockholders provide for such increase of the capital stock of said company as may be found necessary to complete said road in such sections as may have been actually commenced but remain in an unfinished state for want of means to completing the same.

May provide for increase of capital stock.

Sec. 13. If said company shall violate any of the privileges hereby granted, the legislature of the state of Wisconsin may resume all and singular the rights and privileges vested in said company by this act.

How charter forfeited.

Sec. 14. Said company shall be liable for all damages that may be sustained by any person or persons, in consequence of the omission or neglect to keep said road in good repair and condition.

Sec. 15. This act may be altered or amended by any future legislature.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, March 9, 1852.
LEONARD J. FARWELL.
[*Published, March* 22, 1852.]

An Act to arpropriate to Leister & McGuire the sum therein named,

Chap 103

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to Leister & McGuire twelve dollars and seventy-five cents, in full to January nineteenth, one thousand eight hundred and fifty two, for eighteen chairs furnished to the state, out of any moneys in the treasury not otherwise appropriated.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem of the Senate.

Approved March 9, 1852.
LEONARD J. FARWELL.

An Act to appropriate to J. Quintus the sum therein named. **Chap 104**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to J. Quintus ten dollars for printing two hundred copies of the Governor's Message in Dutch, out of any money in the treasury not otherwise appropriated.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, March 9, 1852.
LEONARD J. FARWELL.

An act to appropriate to James C. Brown the sum therein named **Chap 105**

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Section 1. That there is hereby appropriated to James C. Brown, out of any money in the treasury not otherwise appropriated, the sum of fourteen dollars, in full to December twenty seventh, one thousand eight hundred and fifty-one, for making maps or town plats, by order of the commissioners of the school and university lands.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, March 9, 1852.
LEONARD J. FARWELL.

An Act to incorporate the Milwaukee and Waukesha Plank Road Company. **Chap 106**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. The stockholders of the Milwaukee and Waukesha plank road company, having been duly organized, and having complied with all the provisions of chapter fifty of the revised statutes requisite for a complete organization under the general plank road law, according to the affidavit of the directors of said company endorsed on the articles of association now on file in the office of the secretary of state, and not being able fully to accomplish the objects of said association under the general law, are hereby declared a body politic and corporate, by the name

Created a body corporate.

and style of "The Milwaukee and Waukesha Plank Ro
Company," with perpetual succession, and they shall
tain all the rights, and be subject to all the liabilities
quired or incurred under their previous organization, a
shall have all the privileges, franchises, and immunit
incident to a corporation, to wit: they shall be capable
law of suing and being sued, of purchasing, holding, le
Powers, &c. ing, and conveying estate, either real, personal, or mix
and in their corporate name may have a common se
which they may alter or renew at pleasure, and genera
may do all and singular the matters and things which th
are authorized by law to do for the interest and well bei
of said company.

Affairs to be conducted by board of directors. Sec. 2. The business and property of this compa
shall be managed and conducted by a board of seven
rectors, who shall be elected annually, at such time a
place as shall be directed by the by-laws of said corpo
tion; and public notice shall be given of the time a
place of holding such election, of not less than twenty da
previous thereto, in such manner as shall be prescribed
the by-laws of said company. The election of the dir
tors shall be made by such of the stockholders as shall
tend for that purpose either in person or by proxy.
elections shall be by ballot, and each stockholder shall
entitled to as many votes as he or she shall own shares
stock; and the persons having the greatest number of vo
How vacancy filled. shall be directors. Whenever any vacancy or vacanc
shall happen in the board of directors, such vacancy
vacancies shall be filled for the remainder of the term
the remaining directors. The directors shall hold th
office for the term of one year, and until others are elec
in their place, and no person shall be a director unless
is a stockholder in the company; and no stockholder sh
be entitled to vote for directors, or for any other purpo
unless all assessments due on his stock shall have be
paid before such election.

When election not held on day fixed, may be at any other time. Sec. 3. In case it shall happen that an election for
rectors shall not be held on the day fixed for such elect
by the by-laws of said company, such corporation sh
not for that reason be dissolved, but it shall be lawful
hold an election on any other day, for directors, as sh
be provided for in the said by-laws; and in all such ca
the same notice of the time and place of holding such el
tion shall be given as is required in the preceding sectio
and all of the acts of the directors shall be binding
against said corporation until their successors shall ha
been elected.

Quorum.

Sec. 4. Four directors shall form a quorum for the transaction of business, and the acts of a majority of such quorum shall bind the corporation.

Officers

Sec. 5. The directors at their first meeting after their election shall choose one of their number as president, and they shall supply a vacancy in the office of president whenever the same shall occur.

Powers.

Sec. 6. The president and directors shall have power to make and prescribe such by-laws, rules, and regulations, respecting the transfer of the stock and the management and control of the property, business, and affairs of said corporation, as they may deem proper, not inconsistent with the constitution and laws of this state, or of the United States. They shall have full power to decide the time and manner in which the said stockholders shall pay the money due on their respective shares, not exceeding ten per cent. in any one installment; nor shall any two installments be required to be paid within thirty days of each other. They may sue for installments in the name of the corporation after the same shall have been due thirty days; or may declare the shares of stock on which said installment shall have remained so due, forfeited to the use and for the benefit of said company: *Provided*, the same be not paid within thirty days after the publication of a notice to that effect in some paper published in the county where the owner or owners of such shares reside, and in case no paper shall be published in such county, then the same may be published in a paper in an adjoining county, or by written notice served upon such owners. The said president and directors shall exercise all powers conferred upon them by law, and pay all accounts, give and receive such receipts and discharges of debts as shall be deemed by them to be for the best interests of said company. They may prescribe the time for the meetings of stockholders, appoint and remove at their pleasure a secretary, treasurer, and engineer, and such other officers as they may find necessary, and prescribe their duties and compensation, and may require such security as they may think proper for the faithful performance of their trusts. They shall meet at such times and places as shall be prescribed in their by-laws. They shall have power to regulate tolls and to make such covenants, contracts, and agreements with any person or persons, or body politic whatever, as the execution and management of the works and construction of said road, the convenience and interest, the consolidation of the stock of said company, and the prosperity of said

Proviso.

each two of said jurors, and the remaining five shall act as a jury of inquest of damages; and before they act as such, the said sheriff or constable shall administer to each of them an oath or affirmation that he will faithfully and impartially value the lands or materials required for said road, and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantage the same will be to the owner or owners, according to the best of his skill and judgment. Whereupon, the said jurors shall proceed to view the said land or material so required, and to hear the evidence of the respective parties, which the said jurors shall reduce to writing, which shall be signed by all or a majority of said jurors, and by the sheriff or other officer in attendance, and the said officer shall, within five days thereafter, transmit the same to the clerk of the district court of the proper county, who shall file the same. Such inquisition shall describe the property taken or to be taken, or the boundaries of the land in question, and the value thereof as aforesaid and when such valuation, shall be paid, together with the costs of such inquisition, or tendered to the owner or owners, or deposited with the said court, shall entitle the said company to the estate and interest in the same, thus valued as if it had been conveyed by the owner or owners thereof in fee simple, so long as the land thus valued and taken shall be used for the track of said road and not afterwards: *Provided*, That it shall not be lawful for any such jury of inquest to proceed in the valuation of any such property or material in the absence of the owner or owners thereof, his, her, or their legal representatives, unless it be made to appear by affidavit, that such owner or owners have had at least five days' notice of the time and place of meeting, for the purpose of making such valuation, or unless it shall in like manner be shown that such owner or owners are absent from the county, and if such owner or owners are under age, or *non compos mentis* the service of notice upon the guardian or trustee, (if there be any,) or in their absence from the county, that fact shall be required to be established by affidavit to the said jurors, before they shall proceed to make such valuation: *Provided further*, That in case of such disagreement, the company shall not take possession of any land or material until such jury shall have decided that the taking thereof is necessary, and in case of material, that the same are not essentially necessary to the owner or owners thereof, for his, her, or their private and proper use.

Proviso.

SEC. 9. The shares of stock of the company shall be

date of said warrant, and if at the time and place named, any of the persons so summoned do not attend, the said sheriff or constable shall immediately summon as many as may be necessary with the persons in attendance, as jurors, to furnish a pannel of nine jurors, and from them the said company and the owner or owners of the property to be valued, their agent or attorney, or either of them, or if they are not present in person or by attorney, the sheriff or constable shall for him or her, strike off each two jurors, and the remaining five shall act as a jury of inquest of damages, and before they act as such, the said sheriff or constable shall administer to each of them an oath or affirmation, that he will faithfully and impartially value the lands or material required for said road, and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantages the same will be to the owner or owners according to the best of his skill and judgment; whereupon the jurors aforesaid shall proceed to view the land or material so required and to hear the evidence of the respective parties, which the said jurors shall reduce to writing, which shall be signed by all or a majority of the jurors, and by the sheriff or other officers in attendance, and the said officer shall, within five days thereafter, transmit the same to the clerk of the county court of the proper county, who shall file the same. Such inquisition shall describe the property taken or to be taken, or the boundaries of the land in question, and the value thereof as aforesaid, and such valuation when paid, together with the costs of such inquisition, or tendered to the owner or owners, or deposited with the said court, shall entitle the said company to the estate and interest in the same so long as the land thus valued and taken shall be used for the track of said plank road: *Provided*, It shall not Proviso be lawful for any such jury of inquest to proceed in the valuation of any such property, or material, in the absence of the owner or owners thereof, his, her, or their legal representatives, unless it be made to appear by affidavit, that such owner or owners have had at least five days' notice of the time and place of meeting, for the purpose of making such valuation, or unless it shall in like manner be shown that such owner or owners are absent from the county, and if such owner or owners are under age or *non compos mentis*, the service of notice shall be upon the guardian or trustee, (if there be any,) or their absence from the county shall be required to be established by affidavit, to the said jurors, before they shall proceed to make such valuation: *Provided, further*, That in case of disagreement the com-

pany shall not take possession of any land or materi
til said jury shall have first decided that the taking t
is necessary, and in the case of materials, that the
are not essentially necessary to the owner or owne
his, her, or their private use.

Stock to be personal property.

SEC. 10. The shares of stock of said company sh
deemed personal property, and every person becor
stockholder by transfer, purchase, or otherwise, of
of said stock, shall succeed to all the rights and liabili
the prior holder of said share or shares, and said sh
shares shall be liable to be taken in execution for th
ment of the debts of their owners, in such manner as
may be provided by law: *Provided*, All debts due sai

Proviso.

pany shall be first paid. Whenever the route of sai
follows the line of any public highway, the said co
shall not take possession of the said highway until th
missioners of highways of the town through which it
shall have given the said company written consent so
which shall be recorded in the town clerk's office, or
said commissioners refuse to give their consent, the
damages to the town shall be appraised for each hig
so taken or ascertained, as in the case of private pro
and the amount so appraised for each highway so
shall be paid to said commissioners of the town to wh
belongs, to be by them applied in improving the ro
such town, and the commissioners of highways o
town shall be deemed the owners of such highways f
purpose of service of notice of inquest, or for any
necessary proceedings in order to obtain the right
upon such highway.

May erect toll gates.

SEC. 11. The directors may erect toll gates, and
exact toll from all persons traveling on their road wh
two consecutive miles are finished, or when the whol
is completed, not exceeding two cents a mile for eve
hicle, sled, sleigh, or carriage drawn by two animals
if drawn by more than two, one cent a mile for eve
ditional animal; for every vehicle, sled, sleigh, or ca
drawn by one animal, one cent a mile; and for every
and rider or led animal, one cent a mile; and for
score of neat cattle, four cents a mile; for every sc
sheep or swine, two cents a mile; and no more tha
half of the usual gateage demanded at any gate, sh
taken from persons living within one mile of the g
which the toll is taken: *Provided*, That persons go
and from military parade at which they are requir
law to attend, and persons going to and returning fr
nerals, shall be exempt from toll; and no toll shall

An Act to appropriate to J. Quintus the sum therein named. **Chap 104**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to J. Quintus ten dollars for printing two hundred copies of the Governor's Message in Dutch, out of any money in the treasury not otherwise appropriated.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, March 9, 1852.
LEONARD J. FARWELL.

An act to appropriate to James C. Brown the sum therein named **Chap 105**

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Section 1. That there is hereby appropriated to James C. Brown, out of any money in the treasury not otherwise appropriated, the sum of fourteen dollars, in full to December twenty seventh, one thousand eight hundred and fifty-one, for making maps or town plats, by order of the commissioners of the school and university lands.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, March 9, 1852.
LEONARD J. FARWELL.

An Act to incorporate the Milwaukee and Waukesha Plank Road Company. **Chap 106**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. The stockholders of the Milwaukee and Waukesha plank road company, having been duly organized, and having complied with all the provisions of chapter fifty of the revised statutes requisite for a complete organization under the general plank road law, according to the affidavit of the directors of said company endorsed on the articles of association now on file in the office of the secretary of state, and not being able fully to accomplish the objects of said association under the general law, are hereby declared a body politic and corporate, by the name

Created a body corporate.

said company, are hereby declared to be the board
rectors of this company, and shall hold their office
term of one year from the time they were so elect
until others shall be duly elected, and all their a
doings shall be as binding upon said company
would be if they had been elected according to
visions of this act.

SEC. 17. This act shall be favorably construed
the purposes thereby intended in all courts of justi
the same is hereby declared to be a public act, an
Public act. thereof printed by authority of the state shall be
as evidence of the provisions herein contained, and
binding upon the said company from and after t
when the president and directors of said company,
under their former organization, shall have filed t
tificate of the acceptance of this act, in the office
secretary of state.

J. McM. SHAFTER,
Speaker of the Asse
TIMOTHY BURNS,
Lt. Governor and President of the S
Approved, March 11, 1852.
LEONARD J. FARWELL.
[*Published March* 20

Chap 107 An Act to incorporate the Fort Winnebago and Stevens Point Turnpike and Company.

The people of the State of Wisconsin, represe Senate and Assembly, do enact as follows:

Commissioners. SECTION 1. That William Ewen, Jr, Ira R. R ward D. Pattengell, Robert Cochran, Henry Mer seph B. Philips, and George W. Mitchell, be hereby appointed commissioners, under the direct majority of whom subscriptions may be received capital stock of the Fort Winnebago, Pakwauk Stevens Point Turnpike and Plank Road Compan they may cause books to be opened at such times ces as they may direct, for the purpose of receiv scriptions, by publishing in a newspaper printed counties of Columbia or Marquette, at least thir previous to the opening of the books of said comp the purpose of receiving subscriptions to the capit of said company, giving notice of the times and p receiving subscriptions.

SEC. 2. All persons who shall become stock pursuant to the provisions of this act, are hereby

body corporate, in law, with continual succession, by the name and style of the Fort Winnebago, Pakwaukee, and Stevens Point Turnpike and Plank Road Company, for the purpose of constructing a turnpike and plank road from Fort Winnebago, in Columbia County, via Pakwaukee, in Marquette, to Stevens Point, on the Wisconsin River, in the county of Portage; which company shall have power to sue and be sued, in all courts, to receive, by gift or purchase, and to hold all such real and personal estate as may be necessary for the construction and management of said road, to have and to use a common seal, and to make all by-laws necessary for the government of said company. Created a body corporate.

Sec. 3. The capital stock of said company shall not exceed one hundred and fifty thousand dollars, to be divided into shares of twenty dollars each, and shall be assignable and transferable in such manner as shall be prescribed in the by-laws of said company. Capital stock.

Sec. 4. Whenever ten thousand dollars of the capital stock shall be subscribed for and distributed, and ten per cent. paid thereon to said commissioners, for the use of said company, it shall be the duty of the commissioners named in this act, to call a meeting of the stockholders, at such time and place as they shall designate, by giving public notice thereof, in a newspaper published in Columbia county, for the purpose of choosing five directors of said company, and the persons then chosen shall be the first directors of said company, and shall hold their office for one year and until others are chosen in their stead. The board of directors shall choose one of their number as president of the company, who shall hold his office for one year, and until a successor is elected. At every election of said company, each stockholder shall be entitled to one vote for every share of capital stock he shall hold, and may vote in person or by proxy. To give notice.

Sec. 5. The company, when so organized, shall have the right to locate and construct a single or double track turnpike or plank road, between the points mentioned in section second of this act, or any part of the distance, and may connect the same with any other turnpike or other road. The track of said road shall be constructed of timber and plank, charcoal, stone, or gravel, or partly of each, so as to have a hard, smooth, and even surface. The particular manner of building said road to be determined by the said board of directors. Route.

Sec. 6. The location of the route of said road shall be determined by the board of directors of said company;

company may require, and in general to superintend and direct all the operations of said company.

Capital stock.

Sec. 7. The capital stock of said company shall not exceed fifty thousand dollars, which shall be divided into shares of one hundred dollars each; and said company shall have power to construct a single or double track plank road, or turnpike road, of a hard and even surface, and of sufficient width to admit of the easy passing of wagons and carriages from the city of Milwaukee to the county line between the county of Milwaukee and Waukesha, over the route as located by said company under their former organization, and they shall have power to extend said road upon any eligible route to the village of Waukesha in the county of Waukesha; and they shall also have power to erect all such gates, toll-houses, bridges and other works and appendages, as may be necessary for the convenience of said company in the building and use of said road, and also to connect said road with any other road in Wisconsin, and to unite and consolidate their stock with any such plank or turnpike road.

Powers to locate route, &c.

Sec. 8. It shall and may be lawful for said company, their officers, engineers, and agents, to enter upon any lands for the purpose of exploring, surveying, and locating the route of said plank or turnpike road, doing thereto no unnecessary damage, and whenever said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors, and servants, at any time to enter upon, take possession of, and use such lands for the purposes of said road, not exceeding four rods in width along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter directed and provided for.

Questions of damage, how settled.

Sec. 9. When the said company cannot agree with the owner or owners of any land, gravel, stone, or other material required for the construction of said road, for the purchase thereof, or the compensation to be paid therefor, or when by reason of the absence or legal incapacity of the owner or owners, no such agreement or purchase can be made, then and in such case it shall be lawful for any justice of the peace of the county in which such property may lie, to issue his warrant to the sheriff or any constable of said county, not directly interested, requiring him to summon a jury of nine freeholders of said county not interested in said property to meet at some convenient place at or near the property to be valued on a day in said warrant named, not less than five nor more than ten days from the

date of said warrant, and if at the time and place named, any of the persons so summoned do not attend, the said sheriff or constable shall immediately summon as many as may be necessary with the persons in attendance, as jurors, to furnish a pannel of nine jurors, and from them the said company and the owner or owners of the property to be valued, their agent or attorney, or either of them, or if they are not present in person or by attorney, the sheriff or constable shall for him or her, strike off each two jurors, and the remaining five shall act as a jury of inquest of damages, and before they act as such, the said sheriff or constable shall administer to each of them an oath or affirmation, that he will faithfully and impartially value the lands or material required for said road, and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantages the same will be to the owner or owners according to the best of his skill and judgment; whereupon the jurors aforesaid shall proceed to view the land or material so required and to hear the evidence of the respective parties, which the said jurors shall reduce to writing, which shall be signed by all or a majority of the jurors, and by the sheriff or other officers in attendance, and the said officer shall, within five days thereafter, transmit the same to the clerk of the county court of the proper county, who shall file the same. Such inquisition shall describe the property taken or to be taken, or the boundaries of the land in question, and the value thereof as aforesaid, and such valuation when paid, together with the costs of such inquisition, or tendered to the owner or owners, or deposited with the said court, shall entitle the said company to the estate and interest in the same so long as the land thus valued and taken shall be used for the track of said plank road: *Provided*, It shall not Proviso be lawful for any such jury of inquest to proceed in the valuation of any such property, or material, in the absence of the owner or owners thereof, his, her, or their legal representatives, unless it be made to appear by affidavit, that such owner or owners have had at least five days' notice of the time and place of meeting, for the purpose of making such valuation, or unless it shall in like manner be shown that such owner or owners are absent from the county, and if such owner or owners are under age or *non compos mentis*, the service of notice shall be upon the guardian or trustee, (if there be any,) or their absence from the county shall be required to be established by affidavit, to the said jurors, before they shall proceed to make such valuation: *Provided, further*, That in case of disagreement the com-

of the company any share or shares held by any perso
persons failing to pay any installment so required t
paid, after advertisement of the same for a period not
than sixty days, in a newspaper, as herein provided: *P*
Proviso. *vided*, That no installment called in at any one time, s
exceed five dollars per share, and no installment be ca
in by the directors without giving at least thirty days'
tice thereof, in a newspaper, as aforesaid.

To issue certificate. Sec. 11. The directors, elected as aforesaid, shall i
a certificate of each stockholder for the number of sh
he or they shall subscribe for or hold in said comp
signed by the president and countersigned by the sec
ry, and sealed with the common seal of the company;
ject, however, to all payments due and to become
thereon: which stock may be transferable in person or
attorney, executors, administrators, guardians, or trust
under such regulations as may be provided in the
laws of the company.

Directors to make exhibit. Sec. 12. At each annual meeting of the stockhold
for the purpose of choosing directors, the directors of
preceding year shall exhibit to the meeting a comp
statement of the affairs and proceedings of said comp
for such year, and special meetings of the stockholders
be called by the directors, or by any number of the st
holders holding one-fourth in amount of the capital st
of said company, on like notice as is required for ann
meetings; but no business shall be transacted at such
cial meeting unless a majority in value of all the st
shall be then and there represented.

May erect toll gates. Sec. 13. On the completion of said road, or any por
of the track not less than three miles, the company
erect one or more toll gates upon their road, but not
less distance than three miles apart, and may demand
receive such tolls as from time to time they may deem
sonable, not exceeding two cents per mile for any veh
drawn by one or two animals, and one cent for every a
tional animal; for every horse and rider or led horse,
cent per mile; for every score of sheep or swine, one
per mile; and for every score of neat cattle, two cents
mile.

Damage to road how punished. Sec. 14. If any person shall knowingly or wilfully
struct, break, injure, or destroy the road so constru
by said company, or any part thereof, or any work, or
tures attached to or in use upon the same belonging to
company, such person or persons so offending shall each
them, for every such offence, be liable to a civil suit
the recovery of damages by said company, in any co

having competent jurisdiction in the county and shall also be subject to indictment, and upon conviction for such offence shall be punished by fine and imprisonment, or either, at the discretion of the court.

Property liable for debts.

Sec. 15. The property of every individual which may be invested in said corporation, shall be liable to be taken in execution for the payment of his or her debts, in such a manner as is or may be provided by law: *Provided*, That debts due said company, from such individuals be first paid.

Debts limited.

Sec. 16. The debts and liabilities of said corporation shall not exceed in amount, at any one time, fifty per cent. on its capital stock actually paid in, and if debts and liabilities shall, at any time, be incurred to a greater amount than by this [section] is provided for, the directors of said company shall be jointly and severally individually liable for such excess, in addition to their other liabilities in law as provided for in this act.

May increase capital stock.

Sec. 17. The directors of said company may, at any annual or special meeting of the stockholders, with the consent of a majority in amount of the stockholders, provide for an increase of the capital stock of said company to complete said road.

How charter forfeited.

Sec. 18. If said company shall abuse the privileges hereby granted, the legislature may resume all and singular the rights and privileges vested in said company by this act, and may establish rules and regulations for the government of said company, in relation to said road and the use of the same.

Liable for damage.

Sec. 19. The said company shall be liable for all injury or damage which any person may sustain in his person or property by reason of the said road being out of repair, or any defect in said road.

Sec. 20. This act may be altered or amended by any future legislature of the state of Wisconsin.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, March 11, 1852.
LEONARD J. FARWELL.

[*Published, March* 18, 1852.]

Chap 108 An Act to change the time for holding the terms for the County Court, of the Co of Jefferson.

The people of the State of Wisconsin represented Senate and Assembly, do enact as follows:

When terms to be held. SECTION 1. The regular quarterly terms of the cou court for the county of Jefferson, shall hereafter be h on the first Mondays of March, June, September, and cember, in each year.

How process returnable. SEC. 2. All process heretofore issued and made retu able at any term of said court, and all suits now pending said court, together with all papers, pleadings, and proce ings, and all matters done or appertaining to all cau now pending in said court shall be taken and deemed made returnable at the term of the court as herein est lished, and like proceedings shall be had in all causes n pending in said court as if the time for holding the sa had not been changed.

Acts repealed. SEC. 3. All acts and parts of acts contravening the p visions of this act are hereby repealed.

SEC. 4. This act shall be published in the papers p lished in said county, and shall take effect immediat after such publication.

J. McM. SHAFTER,
Speaker of the Assembly
TIMOTHY BURNS,
Lt. Governor and President of the Senate
Approved, March 11, 1852.
LEONARD J. FARWELL.
[*Published, March* 27, 185

Chap 109 An Act to amend an act entitled "An act for the relief of those Persons comm called Seventh Day Baptists, and others who keep the seventh day of the week day of rest," approved March 15th, 1851.

The people of the State of Wisconsin represented Senate and Assembly, do enact as follows:

Process not to be served on Saturday. SECTION 1. That whenever an execution or other fi process shall be issued against the goods and chattels, lands and tenements of any person who habitually obser the seventh day of the week, instead of the first, as a d of rest, the officer to whom such process shall be direct shall not levy upon or sell any property of such person, the seventh day of the week, commonly called Saturda

Proviso. *Provided*, The said person shall file with or deliver to su officer an affidavit in writing, setting forth the fact that or she (as the case may be) habitually keeps and obser

the seventh day of the week instead of the first, as a day of rest, at any time before such levy, or at least two days before such sale, as the case may be; and such sale may, at the time appointed therefor, be adjourned to any day within the life of the execution, or such execution may be renewed as in other cases.

Sec. 2. This act shall take effect and be in force from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.

Approved, March 11, 1852.
LEONARD J. FARWELL.
[*Published March* 27, 1852.]

An Act to incorporate the Shaurette Bridge Company. **Chap 110**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. Albert G. Ellis, Abraham Brawley, Moses M. Strong, Charles Meddy and Peter Mills, are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Shaurette Bridge Company hereby incorporated, and said commissioners may open books to receive such subscriptions, at such time and place as they may designate, and keep the same open until the stock of said company shall be subscribed. Commissioners.

Sec. 2. The capital stock of said company shall be divided into three hundred shares of fifty dollars each, and the subscribers to such stock and their successors and assigns, shall be, and they are hereby declared and created a body corporate and politic by the name and style of the Shaurette Bridge Company, with perpetual succession, and by that name shall have all the privileges, franchises and immunities incident to a corporation; they may in their corporate name, sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered unto, may have a common seal, which they may alter, break, or renew at pleasure, and generally, may do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of said corporation. Capital stock.

Sec. 3. Whenever the capital stock of said company shall be subscribed, said commissioners, or a majority of them, shall call a meeting of said stockholders for the pur- To call meeting.

pose of electing three directors: and thereafter three directors shall be chosen by the stockholders annually, at such time and place and in such manner as shall be prescribed by the by-laws of said company. In all elections by the stockholders, they may vote in person or by proxy, and every share of stock shall be entitled to one vote.

Officers.

Sec. 4. The directors for the time being shall manage all the affairs of said company; shall choose one of their number president, and appoint such other officers and agents as they may think necessary; they shall hold their offices for one year and until other directors are elected, and make and establish such by-laws, rules, and regulations, as they may think proper, not inconsistent with the constitution and laws of this state; they shall determine the time and manner and proportions in which the stockholders shall pay installments on their respective shares, and may forfeit to the use of the company any share upon which such installment shall not be paid when due.

May erect bridge

Sec. 5. The said company shall have power to erect, maintain, and keep in repair a toll bridge across the Wisconsin river, on section thirty-two or section thirty-one, in township twenty-four, of range eight east, in the county of Portage; and after said bridge shall be completed, the said company shall have the right and authority to demand, receive, and collect toll for passing the same, as follows: for any vehicle drawn by two animals, twenty-five cents, and for every additional animal, six and one-fourth cents; for any vehicle drawn by one animal, twenty cents; for single horses, oxen, or mules, not in droves, six and one-fourth cents each; for animals in droves of less than fifty, three cents each, and for all over fifty, two cents each; foot passengers, three cents each.

Toll.

How bridge to be constructed.

Sec. 6. Said bridge shall be so constructed as not to obstruct or interfere with the passage of rafts, boats, or scows down said river; and whenever the navigation of the Wisconsin river, at the point where said bridge is erected shall require, the said company shall construct a draw in the same, so as not to interrupt the navigation of said river.

Passengers liable for toll.

Sec. 7. If any person shall pass said bridge, either on foot, or with any vehicle or animal, and shall refuse to pay the toll authorized by this act to be collected therefor, he shall be deemed a trespasser, and said company shall have a right to collect said toll in an action of trespass, with full costs of suit, before any justice of the peace of the county.

Sec. 8. This act is hereby declared to be a public act, and shall be favorably construed to effect the purpose thereby intended, and copies thereof printed by authority of the state, shall be received as evidence thereof in all cases.

J. McM. SHAFTER.
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.

Approved, March 11, 1852.
LEONARD J. FARWELL.

[*Published, February* 20, 1852.]

An Act to authorize the Milwaukee and Mississippi Rail Road Company to extend their road to the Milwaukee and Menominee rivers, and to obtain additional grounds for building purposes in the city of Milwaukee. **Chap 111**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. The Milwaukee and Mississippi Rail Road Company, in addition to the powers heretofore granted, shall have power to locate, extend, and construct their rail road to the Milwaukee and Menominee rivers, and to locate and construct main tracks, side tracks, turn outs, and connecting tracks, from any point on the road in the city of Milwaukee, to said rivers, and also, to enter upon, take possession of, and use any land for surveying, locating, or constructing such main track, side tracks, turn outs, and connecting tracks, doing thereto no unnecessary damage: and said company shall also have power to enter upon, take possession of, and use any lands adjacent to such main tracks, side tracks, turn outs, and connecting tracks, beyond the limits of four rods in width, for the purpose of erecting station and depot buildings and other buildings and fixtures for the transaction of the business of said company. Power to extend road.

Sec. 2. All damages sustained by any person or persons by reason of using or taking any lands or property as provided in the preceding section, shall be ascertained and paid for in the manner prescribed, and agreeably to the provisions contained in the eleventh section of the charter of the Milwaukee and Waukesha Rail Road Company, approved February 11th, 1847. How damage settled.

Sec. 3. This act shall take effect from and after its passage and acceptance by a resolution of the board of directors of said company, a certified copy of which, under the

seal of said company, shall be deposited in the office of the secretary of state.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, March 11, 1852,
LEONARD J. FARWELL.
[*Published, March* 27, 185

Chap 112 An Act to appropriate to David B. Conger a certain sum of money therein name

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to David B. Conger the sum of ten dollars and eighteen cents, ($10,18) out of any money in the treasury, in full payment and satisfaction for expenses incurred and paid by him in going to Waupun as state prison committee.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.
Approved, March 11, 1852.
LEONARD J. FARWELL.

Chap 113 An Act to appropriate to Abram H. Van Norstrand a certain sum of money therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to Abram H. Van Norstrand, out of any money in the treasury, the sum of twenty-nine dollars and seventy-six cents, ($29,76,) in full payment and satisfaction for expenses incurred by him in going to Waupun as state prison committee.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.
Approved, March 11, 1852.
LEONARD J. FARWELL.

An Act to appropriate to Stephen O. Bennett a certain sum of money therein named. **Chap 114**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to Stephen O. Bennett, out of any money in the treasury, the sum of fifteen dollars and sixty-two cents, ($15,62,) in full payment and satisfaction of expenses incurred and paid by him in going to Waupun as state prison committee.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. the Senate.

Approved, March 11, 1852.
LEONARD J. FARWELL.

An Act to incorporate the Potosi and Belmont Plank Road Company. **Chap 115**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That James F. Chapman, Benjamin F. Woods, George Kinney, Jacob C. Merritt, Charles Dunn, George R. Stuntz, Samuel Wilson, Elias Utt, Jonathan Craig, John Morshead, Leonard Coates, Samuel Moore, Thomas Palliser, Samuel D. Ruen, H. E. Block, Levi Brown, and Chauncey Jones, Jr., be and they are hereby appointed commissioners under the direction of a majority of whom subscriptions may be received to the capital stock of the Potosi and Belmont Plank Road Company, and they may cause books to be opened at such times and places as they may direct, for the purpose of receiving such subscriptions, first giving thirty days' notice of the times and places of taking subscriptions, by publishing the same in a newspaper printed in the county of Grant. Commissioners.

Sec. 2. All persons who shall become stockholders pursuant to the provisions of this act, are hereby created a body corporate in law, by the name and style of the Potosi and Belmont Plank Road Company, for the purpose of constructing a plank road from the town of Potosi in the county of Grant, to such point in the town of Belmont in the county of Lafayette, as the said company may determine; and such body corporate shall have power to sue and be sued, in all courts, to receive by gift or purchase, and hold all such real or personal estate as may be necessary for the construction and management of said road, and the same to sell and convey or lease, to contract and Created a body corporate. Powers.

be contracted with, in all matters pertaining to the o
of said road, to have and use a common seal, and pa
such by-laws and regulations as may be necessary f
proper government of said company.

Capital stock. Sec. 3. The capital stock of said company shall
ty thousand dollars, to be divided into shares of tw
five dollars each, which shall be assignable and tran
ble in such manner as shall be prescribed in the by
of said company. And the affairs of said company
be managed by a board of directors, who shall be
holders, and chosen by ballot by the stockholders, in p
or by their proxies duly authorized; and in all electio
in the discussion of all questions acted upon at any m
of the stockholders, each share of stock shall be en
to one vote, and the majority of the votes cast shal
ern, excepting in elections for directors, in which th
persons having the greatest number of votes cast for
tors, shall be declared duly elected.

Sec. 4. Whenever ten thousand dollars of the c
stock of said company shall have been subscribed, an
per cent. paid thereon to the said commissioners f
use of said company, the said commissioners or a ma
To give notice. of them shall give at least twenty days' notice in some
paper printed in the county of Grant, of the time and
of the meeting of the stockholders for the purpose of
ing nine directors, who shall hold their office for one
and until their successors are elected; and thereaft
annual election for said directors shall be holden
first Tuesday in May of each year: *Provided*, That
ever there shall be a vacancy in the said board of di
the said directors then holding office, or a majority of
shall have power to fill the same: *And provided fu*
That in case of a failure to hold any annual meetin
to elect directors as aforesaid, this charter shall not
feited, but a special meeting may at any time ther
be called for the purpose of electing directors, by
like notice as is required to be given for the first el
under this charter.

Sec. 5. The board of directors shall organize by
ing one of their number president, and by appoin
To choose offi- secretary and treasurer, and when so organized shal
cers. the right to locate and construct a single or double
plank road between the points mentioned in the
section of this act, or any part of the distance; the
of said road shall be constructed of timber and plank
particular manner of building the same is to be deter
by the board of directors.

Sec. 6. The location of the route of said road is to be determined by the board of directors of said company; and if the same be located on any public highway, they shall have power to contract with the board of supervisors of the town in which such highway may be, for the right to use such highway, for the purposes of said road; and should the same be located on or through any street, lane, or alley, in any incorporated town within the said counties of Grant or Lafayette, the board of trustees of such town are hereby authorized to grant to said company the right to use any such street, lane, or alley in their town on such terms as may be agreed upon between the said board and the directors of said company.

May construct road on highway

Sec. 7. It shall and may be lawful for said company, their officers, engineers, and agents to enter upon any lands for the purpose of exploring, surveying, and locating said road, doing thereto no unnecessary damage, nor locating any such route through any orchard or garden, without the consent of the owner thereof, nor through any buildings, or through any yard or enclosure necessary to the use and enjoyment thereof, without permission from the owners; and when said route shall be located and determined by the said company, it shall be lawful for them, their engineers, and servants, at any time, to enter upon, take possession of, and use such lands to the width of four rods; and also to take from any lands adjoining the said road, gravel, stone, or earth, for the purpose of constructing or repairing said road, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall have been ascertained in the manner hereinafter directed.

May enter upon lands.

Sec. 8. Whenever it shall be necessary for said company to enter upon and occupy, for the purpose of making said road, any land upon which the same may have been located, and the owner or owners thereof shall refuse to permit such entry or occupation, and the company and the said owner should fail to agree upon the compensation to be made for any injury that may be done to such lands, by such entry and occupation, it shall and may be lawful for the parties to appoint three disinterested persons to estimate such damage, who shall be sworn fairly and impartially to estimate the same, and whose decision in the premises shall be final. If the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner of such land shall refuse or neglect to join in making the appointment of said appraisers within ten days after a requisition for that pur-

How disagreements settled.

pose upon him made by the said company or if su
er shall be under legal disability, or out of the sta
and in such case it shall be lawful for the judg
circuit court of the county in which said land may
application by, and at the cost and charge of sa
pany, to appoint three disinterested persons, reside
freeholders in said county, to view and examine s
and estimate the injury and damage, if any, or ot
the benefits which in their judgment will be susta
the use of said land, by reason of the location and
struction of said road. The said appraisers shal
oath report their decision to the circuit court of sa
ty; which report, being confirmed by said court, ju
shall be entered thereon. The said viewers shall
tled to two dollars per day each, for their service
paid by the said company in all cases where the d
shall be assessed to a greater amount than the sur
may have been tendered by said company for th
such land, or be paid by the owner or owners in a
where the assessed damages shall not be greater t
sum thus tendered: *Provided*, That in case the o
Proviso. such land be under any legal disability, the cost of
sessment shall be paid by said company, and it shal
duty of the said appraisers in estimating such d
to take into consideration the advantages that may
to the owner of said land from the construction of
road; either party may appeal from the decision
appraisers to the circuit court, within thirty da
such report may have been filed in the clerk's offi
such appeal may be tried as other issues arising
court; upon payment or tender of payment of the s
ified in the report of said appraisers, to the owners
lands, or a deposit of the same for their benefit,
clerk of the circuit court of the county in which th
is situated, the said company may immediately ta
use the same without waiting the issue of said ap

Sec. 9. The directors of said company shall de
time and manner and the proportions in which t
stockholders shall pay in the amount due on their
May declare stock forfeited. tive shares, and they shall have full power to dec
feited to the use of said company any share or sha
by any person failing to pay any installment requi
paid, after advertising a call for such installment
riod not less than thirty days, in one or more new
printed and published in the said county of Grant:
Proviso. *ded*, That no installment called in at any one tim
exceed five dollars per share, and that no installme

Sec. 8. This act is hereby declared to be a public act, and shall be favorably construed to effect the purpose thereby intended, and copies thereof printed by authority of the state, shall be received as evidence thereof in all cases.

J. McM. SHAFTER.
Speaker of the Assembly.

TIMOTHY BURNS,
Lt. Governor and President of the Senate.

Approved, March 11, 1852.
LEONARD J. FARWELL.

[*Published, February* 20, 1852.]

An Act to authorize the Milwaukee and Mississippi Rail Road Company to extend their road to the Milwaukee and Menominee rivers, and to obtain additional grounds for building purposes in the city of Milwaukee. **Chap 111**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. The Milwaukee and Mississippi Rail Road Company, in addition to the powers heretofore granted, shall have power to locate, extend, and construct their rail road to the Milwaukee and Menominee rivers, and to locate and construct main tracks, side tracks, turn outs, and connecting tracks, from any point on the road in the city of Milwaukee, to said rivers, and also, to enter upon, take possession of, and use any land for surveying, locating, or constructing such main track, side tracks, turn outs, and connecting tracks, doing thereto no unnecessary damage: and said company shall also have power to enter upon, take possession of, and use any lands adjacent to such main tracks, side tracks, turn outs, and connecting tracks, beyond the limits of four rods in width, for the purpose of erecting station and depot buildings and other buildings and fixtures for the transaction of the business of said company. Power to extend road.

Sec. 2. All damages sustained by any person or persons by reason of using or taking any lands or property as provided in the preceding section, shall be ascertained and paid for in the manner prescribed, and agreeably to the provisions contained in the eleventh section of the charter of the Milwaukee and Waukesha Rail Road Company, approved February 11th, 1847. How damage settled.

Sec. 3. This act shall take effect from and after its passage and acceptance by a resolution of the board of directors of said company, a certified copy of which, under the

seal of said company, shall be deposited in the office of the secretary of state.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, March 11, 1852,
LEONARD J. FARWELL.
[*Published, March* 27, 1852.]

Chap 112 An Act to appropriate to David B. Conger a certain sum of money therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to David B. Conger the sum of ten dollars and eighteen cents, ($10,18,) out of any money in the treasury, in full payment and satisfaction for expenses incurred and paid by him in going to Waupun as state prison committee.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.
Approved, March 11, 1852.
LEONARD J. FARWELL.

Chap 113 An Act to appropriate to Abram H. Van Norstrand a certain sum of money therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Abram H. Van Norstrand, out of any money in the treasury, the sum of twenty-nine dollars and seventy-six cents, ($29,76,) in full payment and satisfaction for expenses incurred by him in going to Waupun as state prison committee.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.
Approved, March 11, 1852.
LEONARD J. FARWELL.

number twenty-three, east of the fourth principal me-
n, in the county of Manitowoc, and to make use of the
r of said river for hydraulic purposes: *Provided*, The
ruction of said dam shall in no way infringe upon the
s of other persons not herein named.

c. 2. The said dam shall not exceed eight feet in Height of dam.
t from high-water mark, and shall be so constructed
admit of the passage of all descending logs, rafts or
water crafts; and the said logs, rafts and water
shall at all times be entitled to pass said dam free of
arges to the owner or owners thereof.

c. 3. The legislature of this state may at any future
alter or amend this act when it shall be deemed neces-
o provide for the improvement of the Manitowoc river.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.

proved, March 12, 1852.
LEONARD J. FARWELL.

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granting to J. D. Billings, D. D. Billings and James Hinman the right to keep and maintain a Ferry across the Wisconsin River.

Chap 117

e people of the State of Wisconsin represented in te and Assembly, do enact as follows:

TION 1. That J. D. Billings, D. D. Billings and May keep ferry
Hinman, their heirs, executors, administrators and
s, shall have the right and privilege, for the period
years, of keeping and maintaining a ferry across the
nsin river, at or near the point where the town line
en towns fourteen and fifteen crosses said river.

. 2. The ferry shall be subject to such regulations
er ferries are or may be by law subject, and the pro-
rs thereof shall be entitled to receive for crossing any Fees for crossing
e drawn by two horses or one yoke of oxen, fifty
for one horse and wagon, thirty cents; for each ad-
l horse or ox, fifteen cents; for man and horse, twen-
cents; for cattle or horses in droves, five cents each:
ded, Hogs and sheep shall not be charged more than
cents per head.

. 3. No ferry shall be licensed within one and a half
either above or below the point where the ferry
provided shall be established.

be contracted with, in all matters pertaining to the objects of said road, to have and use a common seal, and pass all such by-laws and regulations as may be necessary for the proper government of said company.

Capital stock.

Sec. 3. The capital stock of said company shall be fifty thousand dollars, to be divided into shares of twenty-five dollars each, which shall be assignable and transferable in such manner as shall be prescribed in the by-laws of said company. And the affairs of said company shall be managed by a board of directors, who shall be stockholders, and chosen by ballot by the stockholders, in person or by their proxies duly authorized; and in all elections and in the discussion of all questions acted upon at any meeting of the stockholders, each share of stock shall be entitled to one vote, and the majority of the votes cast shall govern, excepting in elections for directors, in which the nine persons having the greatest number of votes cast for directors, shall be declared duly elected.

To give notice.

Sec. 4. Whenever ten thousand dollars of the capital stock of said company shall have been subscribed, and five per cent. paid thereon to the said commissioners for the use of said company, the said commissioners or a majority of them shall give at least twenty days' notice in some newspaper printed in the county of Grant, of the time and place of the meeting of the stockholders for the purpose of electing nine directors, who shall hold their office for one year and until their successors are elected; and thereafter the annual election for said directors shall be holden on the first Tuesday in May of each year: *Provided*, That whenever there shall be a vacancy in the said board of directors the said directors then holding office, or a majority of them shall have power to fill the same: *And provided further*, That in case of a failure to hold any annual meeting and to elect directors as aforesaid, this charter shall not be forfeited, but a special meeting may at any time thereafter be called for the purpose of electing directors, by giving like notice as is required to be given for the first election under this charter.

To choose officers.

Sec. 5. The board of directors shall organize by electing one of their number president, and by appointing a secretary and treasurer, and when so organized shall have the right to locate and construct a single or double track plank road between the points mentioned in the second section of this act, or any part of the distance; the track of said road shall be constructed of timber and plank; the particular manner of building the same is to be determined by the board of directors.

Sec. 6. The location of the route of said road is to be determined by the board of directors of said company; and if the same be located on any public highway, they shall have power to contract with the board of supervisors of the town in which such highway may be, for the right to use such highway, for the purposes of said road; and should the same be located on or through any street, lane, or alley, in any incorporated town within the said counties of Grant or Lafayette, the board of trustees of such town are hereby authorized to grant to said company the right to use any such street, lane, or alley in their town on such terms as may be agreed upon between the said board and the directors of said company. May construct road on highway

Sec. 7. It shall and may be lawful for said company, their officers, engineers, and agents to enter upon any lands for the purpose of exploring, surveying, and locating said road, doing thereto no unnecessary damage, nor locating any such route through any orchard or garden, without the consent of the owner thereof, nor through any buildings, or through any yard or enclosure necessary to the use and enjoyment thereof, without permission from the owners; and when said route shall be located and determined by the said company, it shall be lawful for them, their engineers, and servants, at any time, to enter upon, take possession of, and use such lands to the width of four rods; and also to take from any lands adjoining the said road, gravel, stone, or earth, for the purpose of constructing or repairing said road, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall have been ascertained in the manner hereinafter directed. May enter upon lands.

Sec. 8. Whenever it shall be necessary for said company to enter upon and occupy, for the purpose of making said road, any land upon which the same may have been located, and the owner or owners thereof shall refuse to permit such entry or occupation, and the company and the said owner should fail to agree upon the compensation to be made for any injury that may be done to such lands, by such entry and occupation, it shall and may be lawful for the parties to appoint three disinterested persons to estimate such damage, who shall be sworn fairly and impartially to estimate the same, and whose decision in the premises shall be final. If the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner of such land shall refuse or neglect to join in making the appointment of said appraisers within ten days after a requisition for that pur- How disagreements settled.

pose upon him made by the said company or if such own
er shall be under legal disability, or out of the state, the
and in such case it shall be lawful for the judge of the
circuit court of the county in which said land may lie, o
application by, and at the cost and charge of said com
pany, to appoint three disinterested persons, residents an
freeholders in said county, to view and examine said lan
and estimate the injury and damage, if any, or otherwis
the benefits which in their judgment will be sustained b
the use of said land, by reason of the location and the con
struction of said road. The said appraisers shall unde
oath report their decision to the circuit court of said cou
ty; which report, being confirmed by said court, judgmen
shall be entered thereon. The said viewers shall be ent
tled to two dollars per day each, for their services, to b
paid by the said company in all cases where the damage
shall be assessed to a greater amount than the sum whic
may have been tendered by said company for the use o
such land, or be paid by the owner or owners in all case
where the assessed damages shall not be greater than th
sum thus tendered: *Provided*, That in case the owner o
Proviso. such land be under any legal disability, the cost of such as
sessment shall be paid by said company, and it shall be th
duty of the said appraisers in estimating such damages
to take into consideration the advantages that may accru
to the owner of said land from the construction of the sai
road; either party may appeal from the decision of sai
appraisers to the circuit court, within thirty days afte
such report may have been filed in the clerk's office; an
such appeal may be tried as other issues arising in sai
court; upon payment or tender of payment of the sum spec
ified in the report of said appraisers, to the owners of sai
lands, or a deposit of the same for their benefit, with th
clerk of the circuit court of the county in which the lan
is situated, the said company may immediately take an
use the same without waiting the issue of said appeal.

Sec. 9. The directors of said company shall decide the
time and manner and the proportions in which the sai
stockholders shall pay in the amount due on their respec
May declare stock forfeited. tive shares, and they shall have full power to declare for
feited to the use of said company any share or shares held
by any person failing to pay any installment required to be
paid, after advertising a call for such installment for a pe
riod not less than thirty days, in one or more newspapers
printed and published in the said county of Grant: *Provi-*
Proviso. *ded*, That no installment called in at any one time, shall
exceed five dollars per share, and that no installment shall

: called without first giving the notice above provided.

Sec. 10. The directors of said company shall issue a rtificate to each stockholder for the number of shares : shall subscribe for and hold in said company, therein ecifying the sum such stockholder has paid on such ares, which said certificate shall be signed by the presi- nt, countersigned by the secretary, and sealed with the l of said company; and shall be subject to all the pay- nts due or to become due thereon; which stock may transferable in person or by attorney, executors, admin- rators, guardians, or trustees, under such regulations as e company shall prescribe. Directors to issue certificate.

Sec. 11. At each annual meeting of the stockholders, the purpose of electing directors, the directors of the eeding year shall exhibit to the meeting a complete tement of the affairs and proceedings of the company for ch preceding year, and special meetings of the stockhold- s may be called by order of the directors, or by any num- r of the stockholders holding one-fourth in amount of e capital stock of the company, on like notice as is re- uired for annual meetings; but no business shall be trans- ted at such special meeting unless a majority in value all the stock shall be then and there represented. Directors to make exhibit.

Sec. 12. On the completion of said road or any dis- nce thereof, the company may erect one or more toll gates on their road, but not at a less distance than five miles art, and may demand and receive such tolls as from me to time they may think reasonable: *Provided*, Said lls shall not exceed the following rates: two cents per ile for any vehicle drawn by two animals, one cent per ile for every additional animal; for any vehicle drawn r one animal, one cent per mile; for every horse and ri- r or led horse, one cent per mile; for every twenty eep or swine, and for every twenty neat cattle in droves, le cent per mile. May erect toll gates.

Sec. 13. If any person shall wilfully and knowingly ob- ruct, or break, injure, or destroy the road so to be nstructed by said company, or any part thereof, or any ork, or fixtures attached to, or in use upon the same, elonging to said company, such person or persons so fending, shall each of them, for every such offence, be able to a civil suit for the recovery of damages by said ompany, in any court having competent jurisdiction in he county wherein the offence shall have been committed. Damage to road how punished.

Sec. 14. The property of every individual which may e invested in said corporation shall be liable to be taken n execution for the payment of his or her debts, in such Property to be liable for debts.

manner as is or may be provided by law: *Provided*, all debts due said company from such individual shal first paid.

SEC. 15. The said company shall have full power vote of the stockholders thereof, to contract for and any person or persons, body politic or corporate, a loa loans of such sums of money as said company may at time need for the completion of the said road, at such of interest as may be agreed upon between the parties the said company, through and by their officers, shall full power to make, execute, and deliver bonds, note mortgages, for the amount so borrowed by said com for the purposes aforesaid.

May borrow money.

SEC. 16. If said company shall not within five from the passage of this act commence the construct said road, and shall not within ten years thereafter mence, finish, and put in operation a single or double t plank road from Potosi in the county of Grant, to point in the town of Belmont, in the county of Lafay aforesaid, then the rights, privileges, and powers of corporation under this act, shall be null and void.

How charter forfeited.

SEC. 17. Said company shall be liable for all inj or damage which any person may sustain in his or property or person by reason of said road being out o pair or of any defects in said road.

Liable for damage.

SEC. 18. This act shall be in force and take effect and after its passage.

J. McM. SHAFTER.
Speaker of the Assembl
TIMOTHY BURNS,
Lt. Governor and President of the Sena
Approved, March 12, 1852.
LEONARD J. FARWELL.
[*Published, March* 24, 18

Chap 116 An Act to authorize the construction of a Dam across the Manitowoc Riv

The people of the State of Wisconsin represented Senate and Assembly, do enact as follows:

Authorized to build a dam.

SECTION. 1. Edward D. Beardsley and Thomas W. ker, their associates, successors, heirs and assigns, are h by authorized to erect and maintain a dam across the M itowoc river, on lots number two and number six, (6 section number ten, in township number nineteen, nor

e number twenty-three, east of the fourth principal me-
n, in the county of Manitowoc, and to make use of the
r of said river for hydraulic purposes: *Provided*, The
truction of said dam shall in no way infringe upon the
ts of other persons not herein named.

r. 2. The said dam shall not exceed eight feet in Height of dam.
ht from high-water mark, and shall be so constructed
admit of the passage of all descending logs, rafts or
r water crafts; and the said logs, rafts and water
, shall at all times be entitled to pass said dam free of
harges to the owner or owners thereof.

r. 3. The legislature of this state may at any future
alter or amend this act when it shall be deemed neces-
to provide for the improvement of the Manitowoc river.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.

proved, March 12, 1852.
LEONARD J. FARWELL.

Granting to J. D. Billings, D. D. Billings and James Hinman the right to keep and maintain a Ferry across the Wisconsin River.

Chap 117

he people of the State of Wisconsin represented in te and Assembly, do enact as follows:

ction 1. That J. D. Billings, D. D. Billings and May keep ferry
es Hinman, their heirs, executors, administrators and
ns, shall have the right and privilege, for the period
n years, of keeping and maintaining a ferry across the
consin river, at or near the point where the town line
ween towns fourteen and fifteen crosses said river.

c. 2. The ferry shall be subject to such regulations
ther ferries are or may be by law subject, and the pro-
tors thereof shall be entitled to receive for crossing any Fees for crossing
le drawn by two horses or one yoke of oxen, fifty
s; for one horse and wagon, thirty cents; for each ad-
nal horse or ox, fifteen cents; for man and horse, twen-
ve cents; for cattle or horses in droves, five cents each:
vided, Hogs and sheep shall not be charged more than
e cents per head.

c. 3. No ferry shall be licensed within one and a half
s, either above or below the point where the ferry
e provided shall be established.

SEC. 4. Any future legislature may alter, amend or repeal this act.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, March 12, 1852.
LEONARD J. FARWELL.

Chap 118

An Act to incorporate the Milwaukee Female Seminary.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That Daniel H. Chandler, Alexander Mitchell, Moses Kneeland, James H. Rogers, William H. Spencer, John T. Perkins, Eli S. Hunter, Ira E. Goodall, John Ogden, Duncan C. Reed, Edward Button, Joseph G. Wilson, Sherman M. Booth, Elisha Eldred, and their associates and successors, be, and they are hereby created a body corporate and politic for educational purposes, with perpetual succession, with the the name and title of the "Milwaukee Female Seminary," with full power to sue and be sued, plead and be impleaded, in all courts and places, and to acquire, hold and convey real estate and personal property, to have and use a common seal, and to alter and renew the same at pleasure, and to adopt such by-laws for the government of the said corporation and the business thereof as may be deemed necessary, not inconsistent with the constitution and laws of the United States or of this state.

Created a body corporate.

Powers.

SEC. 2. The affairs of the corporation hereby created shall be managed and be controlled by a board of trustees consisting of not less than seven members, who shall have power to increase their number to not exceeding twenty and to fill all vacancies that may occur in the board by death, resignation, or otherwise, and the said trustees shall hold their office respectively for one year, and shall be elected at such time and in such manner as may be provided in the by-laws of said corporation: *Provided*, That the first election of trustees shall take place at a meeting of the corporators, to be held at such time and place as a majority of them shall determine, due notice of which shall be given. Any five of the trustees duly assembled shall constitute a quorum for the transaction of business and any less number may adjourn from time to time.

Business managed by board of trustees.

Proviso.

SEC. 3. The board of trustees shall have power to elect a president, secretary and treasurer from among the trus-

Further powers.

ees, and shall have power to establish, conduct and con-
inue at or near the city of Milwaukee, a Female Semina-
y, and to devise and execute measures for the manage-
ient and prosperity thereof; to prescribe the course of
udy in the several departments thereof; to appoint requi-
te teachers and tutors, and also to confer such degrees,
d to grant and issue such diplomas as are usually con-
rred and granted in Female Seminaries. The said board
trustees shall also have power to appoint an executive
mmittee, consisting of the president, secretary and treas-
er and three members, for the transaction of all ordina-
business under the direction of the by-laws, and subject
the approval of the board of trustees.

How funds applied.

Sec. 4. All funds and property received by the board trustees by gift or otherwise, shall be faithfully applied them to the best of their judgment for the benefit of e Seminary in the purchase or rent of grounds or build-
gs, procuring library and apparatus, furniture and fix-
res, creating endowments for the payment of teachers, d in the payment of the necessary and proper expenses the said corporation: *Provided, however*, That any do-
tion or bequest made for particular purposes in accord-
ce with the design of the corporation hereby created, ll be applied according to the wishes of the donor and terms of the bequest.

Proviso.

Property exempt from taxation.

Sec. 5. The library, apparatus, cabinet, buildings and
ds, not exceeding five acres, belonging to the corpora-
n hereby created, shall be exempt from taxation: *Pro-
ded*, That lands exempted from taxation by the provis-
s of this act shall not be used for any other than Sem-
ry purposes.

Sec. 6. This act shall take effect immediately.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.

Approved March 12, 1852.

LEONARD J. FARWELL.

[*Published March* 29, 1852.]

Act to appropriate to Chauncey Abbott and to Leonard J. Farwell the sums of money therein named.

Chap 119

*The people of the State of Wisconsin represented in
ate and Assembly do enact as follows:*

Section 1. There is hereby appropriated to Chauncey
bott, Post Master, at Madison, the sum of two thousand

eight hundred and eighty-seven dollars and seventy-two cents, for postage of the members of the legislature, from January 14th to March 4th, 1852, to be paid out of any money in the state treasury.

Sec. 2. There is hereby appropriated to Leonard J. Farwell, Governor, the sum of one thousand five hundred dollars, out of any money in the state treasury, to be paid by him to Chauncey Abbott, Post Master at Madison, for postage of the members of the legislature after the 4th day of March, A. D. 1852, on accounts audited by the proper committees of the legislature, or otherwise established to his satisfaction.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved March 15, 1852.
LEONARD J. FARWELL.

Chap 120

An Act to authorise the laying out a State Road therein described.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Appointed commissioners.

Section 1. Jacob Rogers, D. D. Billings and William Ward, be, and are hereby appointed commissioners to lay out and establish a state road commencing at Packwaukee in Marquette county, thence running in a westerly direction to Davis' tavern on the Pinery road leading from Fort Winnebago to Grand Rapids; thence to cross the Wisconsin river at or near where the town line crosses said river between town fourteen and fifteen; thence to Carpenter's and Rogers' mills on the Lemonware river in Sauk county; and thence to intersect the state road leading from Dutton in Sauk county to Prairie La Crosse, at or near Maughs's mill on the Lemonwoir river in Adams county.

Fees for services.

Sec. 2. The commissioners shall receive for their services such compensation as may be allowed by the board of supervisors of the counties through which said road may pass: *Provided*, That no part of the expense of laying out said road shall be paid out of the state treasury.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, March 15, 1852.
LEONARD J. FARWELL.

Chap 121

An Act to authorize the village of Manitowoc to maintain a bridge across the Manitowoc River.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The bridge across the Manitowoc river, on Eighth Street, in the village of Manitowoc, shall be the property, repaired, rebuilt, maintained, and tended, at the expense of said village. Bridge to be property of village.

SEC. 2. The said (*village*) [bridge] shall be and forever remain free of toll, and a suitable draw shall be constructed in the same, to admit the passage of any water craft navigating said river, without any unnecessary delay. How constructed.

SEC. 3. To carry into effect the foregoing provisions, the president and trustees of said village are hereby authorized to raise the necessary sum or sums of money, by tax upon the taxable property of said village, to be levied and collected in the same manner as other taxes authorized by law are levied and collected. May levy tax.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.

Approved, March 15, 1852.
LEONARD J. FARWELL.

An Act to authorize the laying out a State Road therein described.

Chap 122

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. Joel S. Fish, Randall Johnson, and Mickel John, be and are hereby appointed commissioners to lay out and establish a state road, commencing at the town of Green Bay, in Brown county, and running thence, on the most direct and practicable route to Shioc, on section number twenty-nine, in township number twenty-three, north of range number sixteen east; thence across Wolf river, at said point, upon a westerly course, on the best and most direct route to Plover Portage, in Portage county. Commissioners.

SEC. 2. The commissioners shall receive such compensation for their services as may be allowed by the board of supervisors of the counties through which such road shall pass: *Provided*, That no part of the expense of laying out Toll.

or opening said road shall be paid out of the stat
ury.

J. McM. SHAFTER,
Speaker of the Asser
TIMOTHY BURNS,
Lt. Governor and President of the Se
Approved March 15, 1852.
LEONARD J. FARWELL.

Chap 123 An Act to organize the county of Outagamie for judicial purposes.

The people of the State of Wisconsin, represen Senate and Assembly, do enact as follows:

SECTION 1. From and after the first day of Jun
County organized. the county of Outagamie shall be fully organized fo cial purposes, and shall enjoy all the rights and pri appertaining to other counties so organized in this st

SEC. 2. There shall be held, in the said county tagamie, a term of the circuit court, to be holden
Term of court to be held. second Monday of October next, by the judge fourth judicial circuit of this state, and thereafte shall be held in the said county of Outagamie tw of the circuit court, to be holden by the judge fourth judicial circuit of this state, on the first Mon April and the second Monday in October of each and all prosecutions, complaints, suits, actions, o proceedings, either in law or equity, of which the courts of this state have jurisdiction, arising within t its of the said county of Outagamie, after the said fi of June next, shall be heard, tried, and determi
Proviso. said circuit court: *Provided*, That all writs, proce peals, recognizance, or other proceedings commen the circuit court of Brown county prior to the said fi of June next, shall be prosecuted to final judgmer execution issued thereon and returned in the same n they might or could have been had not this act pass

SEC. 3. There shall be elected at the annual town
Officers to be elected. ing of the several towns of the said county, on th Tuesday of April next, a sheriff, clerk of the circuit and district attorney; and the returns of the elec said officers shall be made to the clerk of the board pervisors of said county within ten days after sai tion.

Election to be held. SEC. 4. The qualified electors of said county, sh the second Monday of May next, elect a suitable per the office of county Judge. Said election shall be h

the place in the several towns in said county where the last town meetings were held, and shall be conducted, returned and canvassed in the same manner and within the same time as is required by the law regulating general elections. Said county judge shall hold his office until the first day of January, one thousand eight hundred and fifty-four, and the sheriff, clerk of the circuit court, and district attorney, until the first day of January, one thousand eight hundred and fifty-three, and until their successors are duly elected and qualified; and the terms of the county court shall be holden on the second Monday of January, the third Monday of April, the first Monday of July, and the fourth Monday of September, in each year.

Sec. 5. This act shall take effect and be in force from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.

Approved, March 15, 1852.

LEONARD J. FARWELL.

[*Published March* 29, 1852.]

An Act to provide for the subdivision and appraisal of School Lands in counties therein named, and granting pre-emption rights thereon.

Chap 124

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. On or before the first day of May next, it shall be the duty of the Governor of the state of Wisconsin to appoint three suitable persons in each of the counties of Sauk, Adams, Waushara, Waupaca, Portage, Marathon, Crawford, Bad Ax, LaCrosse, Chippewa, Outagamie, and all that part of Columbia county lying north and west of Fox River and St. Croix, and all that part of Marquette county west of Fox river, to appraise the school lands in said counties, as hereinafter provided. Governor to appoint appraisers.

Sec. 2. It shall be the duty of the secretary of state, within ten days after the appointment of the appraisers mentioned in the first section of this act, to issue a notice of such appointment, in writing, under the seal of the state to the persons so selected. Said notice may be delivered in person to the person to whom it is directed, or forwarded by mail to the post office nearest his residence; and in case any or either of the appraisers so selected neglect to notify the governor of his having qualified according to law, within twenty days after notice of his appointment, Notice of appointment.

the governor shall proceed to make a new appointment to fill such vacancy or vacancies, and continue so to do, until all the commissioners are full.

Appraisers to take oath.

SEC. 3. The appraisers so appointed under the foregoing section of this act, shall, before entering upon the duties of their office, take and subscribe an oath or affirmation, to be administered by some proper officer, to support the constitution of the United States and of this state, and faithfully and honestly to discharge the duties devolving upon them as such appraisers according to the best of their ability: which said oath or affirmation shall be attached to their report, to be returned as hereinafter provided.

To make inspection.

SEC. 4. It shall be the duty of the appraisers or a majority of them, upon receiving notice as provided in this act, and after having taken the oath provided for in the third section of this act, to proceed to make a personal inspection of all school lands situated in the county and part of counties, for which they were appointed, embraced in section number sixteen, in each township, and to appraise the same in forty acre lots, stating the value per acre of each and every such lot, at a fair valuation, without any reference to improvement thereon; they shall also return a particular description of all improvements made by any claimants upon any such lands, if any, with a full and fair estimate of the value of such improvements, with the name or names of the [person or] persons claiming the same.

To make report.

SEC. 5. After having inspected each and every parcel of land situated in the county in which said appraisers were appointed, and within one year after their appointment it shall be the duty of the said appraisers to make a full, distinct, and correct report to the office of the secretary of state, of all the lands within their respective counties, describing them by forty acre divisions, with the value per acre, as estimated by them, of each subdivision, also an estimate of the improvements on each, as before provided.

Fee for services.

SEC. 6. The said appraisers shall be allowed for the services herein required of them, at the rate of two dollars and fifty cents per day for the time they may necessarily be engaged in the discharge of their duties as such appraisers, to be determined by their oaths, the payment thereof to be made out of the school fund, upon the certificate of the secretary of state, stating the amount so due for such services; but no certificate shall be granted until the appraisers shall have performed all the provisions of this act.

SEC. 7. After the lands shall have been so appraised, and the appraisal duly reported to the office of the secretary of

ate, the same may be offered for sale, and the sale con- Lands to be offerred for sale.
acted according to the provisions of the revised statutes, r as may be hereinafter provided; but in all cases of pre-mptions under this act, the pre-emptor shall have the right purchase according to the provisions and premises here- provided.

Sec. 8. There is hereby secured to every person who, t the time of the appraisal of any of the lands referred to this act, was in the actual occupancy of any part there- Pre-emptions. f, either by residing thereon, or by having improvements r works thereon, and used for agricultural or manufactur- g purposes, the pre-emption right to purchase an amount of nd not exceeding one hundred and sixty acres, embra- ing the improvements thereon, to be selected by the claim- nts, in legal subdivisions, at the appraised value.

Sec. 9. Every person claiming any pre-emption right to Pre-emptor to give notice. ny of the lands referred to in this act, shall, within sixty ys after the appraisal thereof, file in the office of the ecretary of state, a notice stating the amount of land laimed, the legal subdivision thereof, and the time when e or her occupancy commenced, and whether said land is sed for agricultural or manufacturing purposes; the truth f the matter set forth in the notice shall be attested to by wo witnesses, and sworn to by the claimant.

Sec. 10. At any time before said lands are sold, any To prove occupancy. erson or persons having complied with section nine of this t, and wishing to avail themselves of the provisions of ction eight of this act, shall prove up their right to such re-emption before the proper officers, by the affidavits of wo or more disinterested witnesses, setting forth, in addi- on to the matter required to be set forth in the notice re- uired by section nine of this act, that the claimant had, nce the appraisal of such lands, been in the continued ccupancy thereof, and was in the occupancy thereof at e time of making such proof, and shall, at the time of le, comply with the same conditions and obligations im- sed by law upon other purchasers of school lands, and in se of non-compliance with the terms hereof shall forfeit l right of pre-emption.

Sec. 11. No lands mentioned in this act shall be ap- Minimum price. raised or sold at a less sum than one dollar and twenty- ve cents per acre.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, March 15, 1852.
LEONARD J. FARWELL.

[*Published, March* 27, 1852.]

An Act to appropriate to Alfred Main the sum therein named.

Chap 125 *The people of the State of Wisconsin represe Senate and Assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to Main, out of any money in the treasury not otherw propriated, the sum of four hundred and ninety-two and twenty-five cents, in full for sheriff's fees up to ary the seventh, in the year of our Lord one thousa hundred and fifty-two.

J. McM. SHAFTER,
Speaker of the Asse
TIMOTHY BURNS,
Lt. Governor and President of the Se
Approved, March 17, 1852.
LEONARD J. FARWELL.

An Act to incorporate the St. Croix Bridge Company.

Chap 126 *The people of the State of Wisconsin represe Senate and Assembly do enact as follows:*

SECTION 1. Orange Walker, William H. C. H
Created a body corporate. Nathan C. D. Taylor, David Michael, E. Ames, Joh berry, Ben Allen, and Otis Hoyt, and such other per are or may be associated with them, are hereby cr body corporate in law by the name and style of Croix Bridge Company, for the purpose of constru bridge across the St. Croix river, at a point called t rows or Taylor's Falls, in township thirty-four, eighteen; and the said company or their assigns their corporate capacity and name, sue and be sued and be impleaded, in any court in this state, and ma a common seal, and may change the same at pleasu

SEC. 2. The corporators named in the first sec this act, or such other persons as they may appoi
To open books. hereby appointed commissioners to receive subscrip the capital stock of said company, and shall open b such times and places as the said commissioners a until the capital stock of said company is taken.

SEC. 3. The capital stock of said company shall b
Capital stock. at two thousand and five hundred dollars, and b ded into shares of twenty-five dollars each, and each

shall be entitled to one vote in the election of officers and n the transaction of the business of said company when otes are necessary to be taken.

Authorized to build a bridge.

Sec. 4. The said company shall have power to build a bridge at the point mentioned in the first section and to ake so much land as may be necessary for that purpose: *Provided, however*, That no unnecessary damage shall be lone thereby, and in case the said company and the own-rs of the land cannot agree upon the price of the land so aken, the said company shall choose one appraiser, and the wners of the land another; and the persons so chosen shall roceed to appraise the land; and in case the said apprais-rs cannot agree, they shall choose a third person to act rith them in the appraisal, and the price at which the said ppraisers shall appraise the said land shall be paid by the aid company to the owners thereof.

Dimensions of bridge.

Sec. 5. Said bridge shall not be less than sixeen feet ide, and be elevated sufficiently high as not to impede avigation.

Fees for crossing

Sec. 6. The said company shall have power, after ompletion of said bridge, to demand and collect toll for ssing the same as follows: for any vehicle drawn by two rses or oxen, fifteen cents, and for each additional horse r ox, five cents; for any vehicle drawn by one horse, ten nts; for a single horse or ox, five cents; for horses or ttle in droves of not less than twenty, three cents each; nd for all over twenty, two cents each; and for sheep and rine, one cent each; *Provided*, That said company may harge a less rate of toll at their discretion.

Powers.

Sec. 7. The said company shall have power to make ch by-laws for the regulation of its concerns as they may em best for that object: *Provided*, That such by-laws all in no way contravene the laws of this state or of the nited States.

To post up notices of toll.

Sec. 8. The said company shall keep posted up in some uspicuous place on the said bridge a list of the rates of l to be paid for crossing the same.

Certain counties may purchase bridge.

Sec. 9. It is hereby provided that whenever the coun-s of St. Croix, in Wisconsin, and Chisago, in Minnesota, all see fit, they may pay to the stockholders of said bridge e amount of the cost of said bridge and fifteen per cent. addition, then the said counties may take and maintain id bridge, and make a free bridge of the same: *Pro-ded, however*, That the stockholders may contract with e said counties for a less amount.

Sec. 10. This act shall take effect from and after its pas-ge.

SEC. 11. This act may amended, altered, or rep
by any future legislature.

J. McM. SHAFTER,
Speaker of the Assem
TIMOTHY BURNS,
Lt. Governor and President of the Sen

Approved, March 19, 1852.
LEONARD J. FARWELL.

[*Published April 2,*

An Act to amend an act entitled "An act to incorporate the City of Kenosha," ed February 8, 1850.

Chap 127

The people of the State of Wisconsin represented i ate and Assembly, do enact as follows:

SECTION 1. Section forty-two of the city charter o nosha is hereby amended so as to read as follows: Th

Charter amended.

city council are hereby authorized to borrow, upon th of the city of Kenosha, such necessary sum or su money, for any term of time, and at such rates of in and payable at such place as they may deem expe not exceeding fifty thousand dollars for any one yea issue bonds or scrip therefor, under the seal of said co tion, signed by the mayor and countersigned by the such sum or sums so borrowed to be expended and a under the direction of the mayor and the common c for said city, in the liquidation of the debts of said Kenosha, and in the permanent and useful improvem said city, and in building necessary roads, leading from said city, or to connect with other roads a built, and to pledge the revenues and credit of th for the repayment of the sum or sums so borrowed, the interest upon the same: *Provided*, That in ca out the provisions of this section, it shall be done in dance with the provisions of section forty-four of the ter of said city.

SEC. 2. Section forty-three of said charter is so a ed as to read ten instead of five years.

Act repealed.

SEC. 3. Chapter sixty-five, to amend the act of in ration of the city of Kenosha, approved February 11, is hereby repealed.

May equalize tax

SEC. 4. The city council of the city of Kenosh hereby authorized and empowered, in all assessment after made for any special improvement in said c equalize the tax according to the relative benefit ac to each tract, lot, or parcel of land taxed.

Sec. 5. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 6. This act shall take effect immediately after its passage and approval.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved March 19, 1852.
LEONARD J. FARWELL.
[*Published April* 2, 1852.]

An Act granting to Gideon M. Ashmore the right to keep and maintain a Ferry across the Wisconsin River. **Chap 128**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. Gideon M. Ashmore, his heirs, executors, administrators, and assigns shall have the exclusive right and privilege, for the period of five years, of keeping and maintaining a ferry across the Wisconsin river, at or near the town of Arena, in Iowa county, on section eight and nine in town eight, range five, east. Authorized to keep ferry.

Sec. 2. The ferry shall be subject to such regulations as other ferries are or may be by law subject, and the proprietors thereof shall be entitled to receive for crossing, any vehicle drawn by two horses or one yoke of oxen, forty cents; for each additional horse or ox, ten cents; for a man and horse, twenty-five cents; for cattle and horses in droves, eight cents each: *Provided*, hogs and sheep shall not be charged more than three cents per head; and for foot passengers, ten cents each; Rates of crossing.

Sec. 3. No ferry shall be licensed within one mile of the point where the ferry above provided shall be established.

Sec. 4. Any future legislature may alter, amend, or repeal this act.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, March 19, 1852.
LEONARD J. FARWELL.

Chap 129 An Act to provide for the election of State Prison Commissioners; and to amend s 287 of the session laws of 1851.

The people of the State of Wisconsin represente Senate and Assembly do enact as follows:

Commissioners how to be elected.

SECTION 1. There shall be elected at the present ses of the legislature, on joint ballot of the two houses, t commissioners, who shall be known and styled state on commissioners, one of whom shall hold his office fo year only, and one for two years only, and one for t years; and the commissioners so elected shall meet a office of the secretary of state, on the first Monday succeeding their election, at two o'clock, P. M., and d mine by lot, their respective terms of office.

Terms to be determined by lot.

SEC. 2. At such time, the secretary of state shall pare three separate pieces of paper as near alike as pr cable, on one of which shall be written the number " on another shall be written the number " two," and on remaining piece shall be written the number "three," an shall cause them to be folded up alike as near as practica and deposit in a box; and the persons elected commis ers shall severally draw one of the said pieces of pa and the term of office of each such commissioner shal determined by such drawing, and each shall hold his o for the number of years corresponding with the nu so drawn by him.

Commissioners to be elected annually.

SEC. 3. After the first election under this act, there s annually be elected by the qualified voters of the stat the general election held in November of each year, state prison commissioner, who shall hold his office for t years, commencing on the first Monday of January th after. In case a vacancy occurs, a commissioner shal appointed by the governor, who shall hold his offic the residue of the unexpired term.

Acts amended.

SEC. 4. Section one of chapter two hundred and eig seven of session laws of one thousand eight hundred fifty-one is hereby so amended as not to conflict with foregoing provisions.

SEC. 5. This act shall be in force from and after its sage.

J. McM. SHAFTER,
Speaker of the Assembl
TIMOTHY BURNS,
Lt. Governor and President of the Senat
Approved, March 19, 1852.
LEONARD J. FARWELL.
[*Published, March* 23, 18

An Act to appropriate to Kufus King & Co. the sum of money therein named. **Chap 130**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Rufus King & Co. out of any money in the treasury not otherwise appropriated, the sum of fifty-eight dollars, in full for publishing in the Milwaukee Daily Sentinel, by order of the secretary of state, advertisement, "to those owing upon canal land mortgages," and judicial election notice for the second judicial circuit, in the year 1851.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, March 19, 1852.
LEONARD J. FARWELL.

An Act to appropriate to William R Smith the sum therein named. **Chap 131**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to William R. Smith, the sum of sixty-five dollars out of any money in the treasury not otherwise appropriated, being balance in full for services as enrolling clerk of the Senate for the year 1851.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, March 19, 1852.
LEONARD J. FARWELL.

An Act to incorporate the City of Fond du Lac. **Chap 132**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That from and after the first Tuesday in April next, all that district of country included in the east half of the south-west quarter of section two, all of fractional section three, the east half of the south-east quarter of section four, the east half of the north-east quarter and the east half of the south east quarter of section nine, all of section ten, the west half of the north-west quarter and the west half of the south-west quarter of section eleven, Boundaries.

the west half of the north-west quarter and the west hal
the south-west quarter of section fourteen, all of section
teen, the east half of the north-east quarter and the e
half of the south-east quarter of section sixteen in towns
fifteen, north of range seventeen, east, in the Green I
land district, shall be known and designated as the "C
of Fond du Lac," and by that name shall be capable of c
Powers of corporation. tracting and being contracted with, of suing and be
sued, pleading and being impleaded, answering and be
answered unto in all courts and places, and in all matt
whatever, and shall be competent to exercise all the rig
and privileges and be subject to all the duties and obli
tions appertaining to a municipal corporation.

SEC. 2. The said city shall be divided into two wa
the boundaries of which, for the present, and until chan
Boundary of wards. as hereinafter provided, shall be as follows, to wit: the l
of division between said wards shall commence where
western boundary line of said city crosses the section l
between sections nine and sixteen; thence east on the s
tion line to the centre of Brooke street; thence north
the centre of Division street; thence east along the cen
of Division street and in a direct line therewith to the e
tern boundary of said city; the northern division to
designated as the north ward, and the southern portion
the south ward. But the city council shall have powe
change said line of division as they may deem conveni
and proper.

Government to be vested in city council. SEC. 3. The government of said city and the exer
of its corporate powers and management of its fiscal, p
dential, and municipal concerns, shall be vested in a Ma
and Council, which council shall consist of six Alderm
three from each ward actually residing therein, and sh
be denominated the "City Council," and also such ot
officers as are hereinafter provided for.

SEC. 4. On the first Tuesday of April next, and an
When elections to be holden. ally thereafter on the day fixed by law for the election
town officers in the several towns in this state there sh
be elected in and for said city, one mayor, one marsh
one clerk, one superintendent of schools, one treasurer,
aldermen, three from each ward, one of which alderm
in each ward, shall be designated as a supervisor, who
virtue of his office, shall represent such ward in the cou
board in the same manner as the several towns are re
sented; also one constable and one assessor in each wa
who shall each hold their offices for one year and until th
successors are elected and qualified. There shall also
elected on the first Tuesday of April next in said city f

justices of the peace, two in each ward, whose terms of office shall be determined in the same manner as justices of the several towns at the first election under the revised statutes, except that only one of said justices in each ward shall go out of office yearly; and annually after the first election, there shall be chosen but two justices of the peace.

Sec. 5. At the first election of city officers as aforesaid under this act, which shall be holden at the court house in the present village of Fond du Lac or at such other place as the president of the board of trustees of said village may appoint, the said president, together with two of the said board of trustees, to be by him selected, or in case of the absence of the said president, any three of said board of trustees to be by said president appointed, shall preside and perform all the duties and be governed by like rules and regulations as are prescribed for inspectors of elections for towns; and annually after the first election the said duties of inspectors shall be performed by the mayor and any two of the common council, to be by said mayor appointed, or in case of the absence or inability of said mayor to attend to said duties, shall be performed by three of said council to be by said mayor appointed for that purpose. Who to act as inspectors

Sec. 6. The mayor and aldermen must be freeholders within the city limits, and each of the aldermen must reside within the ward for which they were elected, and all other officers elected by virtue of this act must be residents of the ward for which they were elected; and no person shall hold any office either by election or appointment, unless he is a qualified elector agreeable to the laws of this state. The city treasurer before entering upon the duties of his office shall execute to the city council a bond, in such penal sum as said council may direct, with two or more sureties, to be by them approved, for the safe keeping and disbursement of all moneys coming into his hands as such treasurer, and also for the faithful performance of his official duties. And each justice of the peace, superintendent, and constable elected by virtue hereof, before entering upon the duties of their offices shall execute such bonds as are prescribed by law for said offices in towns, which bonds shall also be approved by said council; and the marshal elected by virtue hereof shall also be required to give bonds with such sureties and in such sum as said council shall determine, and all officers elected or appointed by virtue hereof, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation to support the constitution of the United States and of the state Qualification of officers

Certain officers to give bonds.

of Wisconsin, and faithfully perform the duties of respective offices, which oath or affirmation, together all official bonds, shall be filed in the clerk's office.

Duties and powers of mayor.

SEC. 7. The mayor shall be the chief executive o and head of the police of the city. It shall be his du recommend in writing to the city council such measur he may deem expedient; he shall keep the seal of city, sign all commissions, licenses, and permits which be granted by the city council, he shall endeavor to m tain peace and good order and see that the laws of the and ordinances of the city are observed and executed shall have the power to administer oaths or affirmat and to take and certify acknowledgment of deeds and er instruments in writing; as a judicial officer he shall power, and by giving the bonds required by law, ma ercise the jurisdiction of justice of the peace, and to vent or suppress riot or other public disturbance, he appoint as many special constables as he may deem pr

Council to elect president.

SEC. 8. The members of the city council shall, o first Monday after their election, or as soon thereafte may be practicable, assemble and elect from their body a president to preside in their meetings in the abs of the mayor; and a majority of all the members sha a quorum for the transaction of any business; each m ber shall be entitled to one vote. The mayor shall pre at all meetings, if present, and shall have a casting and no other. In case of a vacancy in the office of m

Vacancies how filled.

or of his being unable to perform the duties of his offic temporary absence or sickness, the president of the council shall be vested with all the powers and perfor the duties of mayor, until the mayor shall resume hi fice, or the vacancy be filled by a new election.

SEC. 9. The city council shall have the power to serve order and propriety in its proceedings, and to pu in a summary manner by fine and imprisonment all d

Powers of city council.

derly or disrespectful conduct in its presence, and al compel by pecuniary penalties the attendance of its m bers. They shall determine the rules of their proceed and keep a journal thereof, which shall be open to th spection of any citizen at all reasonable times and h and prescribe the time and fix the place of holding meetings, which shall at all times be open to the publi

SEC. 10. The mayor, each and every alderman,

Who to be peace officers.

shal, or deputy marshal, each and every justice of the p and constable of said city, shall be officers of the pe and suppress in a summary manner all rioting and d derly behavior, in a manner consistent with the ordina

of said city or the laws of this state, within the limits of said city, and for such purpose may command the assistance of all bystanders, and, if need be, of all citizens and military companies; and if any such bystander, military officer or private of such company shall refuse to aid in maintaining the peace when so required, such person shall forfeit and pay such fine as may be prescribed by ordinance of the city council or the laws of this state in such case made and provided.

Duties and powers of marshal.

Sec. 11. The marshal shall possess all the powers of a constable of towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed by the mayor, and when necessary in criminal cases or for the violation of any ordinance of said city or laws of this state, may pursue and serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances, and breaches of the peace, to apprehend any person in the act of committing any offence against any ordinance of said city or laws of this state, and forthwith bring such person before competent authority for examination; and for such service he shall receive such fees as are allowed to constables for like service. He shall do and perform all such duties as may lawfully be enjoined on him by the ordinances of said city. He shall have the power to appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties.

Duties of justices.

Sec. 12. All the justices of the peace and constables elected by virtue of this act, shall have and exercise the same powers and duties and be subject to the same liabilities and regulations as justices and constables of towns.

Of superintendent.

Sec. 13. The superintendent of schools shall have and exercise the same powers and duties and be subject to the same liabilities as the superintendent of schools in towns, except as herein otherwise provided.

Duties of clerk.

Sec. 14. The clerk shall attend the meetings of the city council, and keep a record of their proceedings, and also a faithful record of all the doings and votes of the inhabitants at their regular or special meetings. He shall perform such duties as may be lawfully required of him by the city council, who shall fix and prescribe his compensation therefor; he shall file in his office all chattel mortgages presented to him for that purpose, and safely keep the same, receiving therefor the same compensation as clerks of towns, and all chattel mortgages so filed, shall be as valid and legal as if the same had been filed in the town

clerk's office of any town. It shall also be his duty and perform any act required to be done by clerks of not inconsistent with the provisions of this act, and i of the absence of the clerk or of his inability to a common council may appoint a clerk to act during absence or inability, who shall be subject to all of th ulations applicable to the elected clerk. The record by said clerk shall be evidence in all legal proce and copies of all papers filed in his office, and tran from the records of the proceedings of the city c certified by him under the corporate seal shall be ev in all courts and places.

Duties of treasurer.

SEC. 15. The treasurer of said city shall perform duties and exercise such powers as may be lawfu quired of him by the ordinances of said city or the l this state; all moneys raised, received, recovered, lected by means of any tax, license, penalty, fine, ure, or otherwise under the authority of this act, or belongs to said city, shall be paid into the city tre and shall not be drawn therefrom except by an orde ed by the mayor or acting mayor, by order of the city cil, and countersigned or attested by the clerk. He keep an accurate account of all moneys or other thing ing into his hands as treasurer, in a book to be pr for that purpose, which shall remain the property city, wherein he shall note the time when, and the from whom the amount of the several sums were rec which book shall at all reasonable hours be open inspection of any person having business therewith shall as often as the city council require, render t council a minute account of the receipts and expen of his office, and at the expiration of his office h hand over to his successor all moneys, books, paper property in his possession belonging to said city. Th treasurer shall also be the collector of taxes, and f service, except herein otherwise provided, he shal the same powers and be subject to the same liabilit governed by the laws and receive the same compen as treasurers of towns.

General powers of council.

SEC. 16. The city council shall have power to establish, publish, alter, modify, amend, or repeal a force all such rules, by-laws, and ordinances for th ernment and good order of the city, for the suppres vice, for the prevention of fires, for the promotion of and for the benefit of trade and commerce as the deem expedient, declaring and imposing penalties, enforce the same against any person who may viola

provisions of such rules, by-laws, or ordinances as have been duly passed, adopted, and published in one or more of the papers printed in said city for three successive weeks prior to the taking effect thereof; and all such rules, by-laws, and ordinances are hereby declared to be, and have the full force of law: *Provided*, That they be not repugnant to the constitution and laws of the United States and of this state; and for these purposes they shall have authority by ordinance or by laws, Proviso.

1. To license and regulate taverns, groceries, saloons, victualing houses, and all persons dealing in spirituous or intoxicating liquors, and to license and regulate the exhibitions of common showmen, or showmen of any kind, or the exhibition of any natural or artificial curiosities, caravans, circuses, or theatrical performances, and to establish the price to be paid in all cases except where they may be fixed by-law. Power to license.

2. To restrain and prohibit all descriptions of gaming, and fraudulent devices and practices, and all playing with cards, dice, or other games of chance for the purpose of gain, within said city. To prohibit gaming.

3. To prevent any riots, noise, disturbance, or disorderly assemblage, to suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all implements or devices used for the purpose of gaming. To prevent disturbance.

4. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, privy, sewer, or other unwholesome or nauseous places to cleanse, remove, or abate the same from time to time as often as it may be deemed necessary for the health, comfort, or convenience of the inhabitants of the city. To compel removal of filth, &c.

5. To direct the location and management of all slaughter houses and markets, to regulate the storage and keeping of gun powder and other combustible materials. To locate markets.

6. To prevent the encumbering of the streets, side and cross walks, lanes, alleys, or public grounds, with carriages, carts, wagons, sleighs, sleds, boxes, barrels, lumber, fire wood, or other materials or substances whatever. To prevent encumbrance of streets.

7. To prevent horse racing or immoderate driving or riding in the streets, and to regulate the places of bathing and swimming in the waters within the city limits. To prevent horse racing.

8. To restrain the running at large of cattle, swine, sheep, horses, and poultry, and to authorize the distraining and sale of the same. To restrain domestic animals.

9. To prevent the running at large of dogs, and to authorize their destruction in a summary manner, when at To restrain dogs

large contrary to the ordinances, or to impose a tax
same.

To remove rubbish, &c.

10. To prevent any person from bringing, depo
or having within said city any putrid carcass, or a
wholesome substance, and to require the removal
same by any person who shall have upon his premis
such substance, or any putrid or unsound beef, pork
hides, or skins of any kind, and in default to authori
removal thereof by some competent officer, at the ex
of such person or persons.

To establish water works.

11. To make and establish public pounds, pumps,
fountains, cisterns and reservoirs, and to provide fo
erection of water-works for the supply of water to
habitants of said city, or any ward therein, to erect
and to regulate and license hacks, cabs, drays, carts
the charges of hackmen, cabmen, draymen, and ca
within the limits of said city.

To provide hospitals, &c.

12. To establish and regulate boards of health, p
hospitals and cemeteries, and regulate the burial
dead, and the return of bills of mortality, and to e
burying grounds and property set apart for public use
taxation.

To procure fire engines.

13. To procure fire engines, buckets, hooks and la
and other implements for suppressing fires, to pre
and regulate the materials of which houses may be
within certain limits, and the manner of erecting chi
and to provide for removing chimneys or stove pipes
may be deemed dangerous, at the expense of the o
or occupants thereof; to require the owners of bui
to provide and keep suitable ladders and fire bu
which are hereby declared to be exempt from seiz
distress or sale in any manner; to direct safe constr
for the deposit of ashes; to appoint fire wardens, an
scribe their duties and compensation; and genera
make such prudential regulations as may be deem
cessary for the prevention or for arresting the progre
extinguishment of fires.

Wharves.

14. To regulate the building of wharves and b
and to provide for the security and protection of the

To prevent riding on sidewalks

15. To prevent all persons from riding or drivin
horse or other animal, or leading the same on the
walks of said city, or in any way doing any dam
such sidewalks.

Fire works.

16. To prevent the shooting of fire arms or cracke
the exhibition of fire works in every situation which
be considered by the city council to be dangerous
property in said city, or annoying to the inhabitants th

17. To restrain drunkards, immoderate drinking, or obscenity in the streets or public places, and provide for arresting, removing, and punishing any person or persons who may be guilty of the same. To restrain obscenity, &c.

18. To regulate the police of the city, to appoint watchmen and firemen, prescribe their duties and punish their delinquencies. Police.

19. To regulate the place and manner of weighing hay, of measuring and selling fire wood, lumber, timber, stone, lime, and sand, and when necessary, to appoint suitable persons to superintend or inspect the same. Weighing hay.

20. To compel the owner or occupant of any building to remove the snow, dirt, or other rubbish from any sidewalk opposite thereto. To remove rubbish.

21. To protect trees and monuments in said city. Protect trees.

22. To prevent all persons from depositing in any of the creeks or waters within said city, the carcasses of any animal, or filth of any kind, and to punish for so doing. To prevent nuisances.

23. To prescribe and regulate the manner of draining fountains made by individuals, and the construction of sewers within said city. Draining fountains, &c.

24. To regulate the compensation of all offices not provided for by law, except their own. Compensation of offices.

25. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes, alleys, and sidewalks, and bridges, and to keep them from incumbrance, and to protect them from injury. To open roads.

26. To cause all out or in lots within said city of less size than ten acres each, that have not been platted and recorded by the owners thereof as required by law, to be platted and recorded by authority of their board, and to tax the charges for said service, against the lot or lots so platted and recorded, to be collected the same as other corporation or general taxes. To lay out lots.

27. To have a common seal and alter the same at pleasure. Seal.

28. To purchase, hold, or convey any estate, real or personal, for the use of the corporation. To hold estate.

Sec. 17. The affidavit of the printer of the publication of any by-laws or ordinances, or the affidavit of the clerk of the posting up of any notice required by law, shall be sufficient proof in all courts and elsewhere, that such ordinances or by-laws were properly published, or such notices properly posted up, as the case may be. Proof of publication.

Sec. 18. No person shall be an incompetent judge, justice, juror, or witness, by reason of his being an inhabitant

Inhabitant not incompetent for juror, &c.

or freeholder within the city of Fond du Lac, in any a
in which the [city] is a party, or interested.

Form of process.

SEC. 19. On all suits for the violation of any ordin
of said city, the process may be by warrant, and it
be sufficient without setting forth the special matte
declare, generally, in debt with reference to the ordin
under which the action is brought; the defendant
plead the general issue and give the special matter in
dence.

Execution may provide for imprisonment.

SEC. 20. Every execution issued upon any judg
for the violation or non-observance of any ordinance o
law of said city, may contain a clause directing, i
event of the non-payment of the judgment, the impr
ment of the defendant in the county jail for such ter
shall have been provided by the ordinance under w
the judgment shall have been rendered; and for that
pose the said city shall have the use of the jail of Fon
Lac county, and all persons committed to the jail b
marshal or any other officer, shall be under the char
the sheriff of said county. All fines, penalties, and fo
ures when collected, shall be paid into the city trea
for the use of the city.

How process to be served.

SEC. 21. When an action or suit shall be comme
against the city, the service thereof may be made by
ing an attested copy of the process with the clerk or m
and it shall be the duty of the person with whom
process is left, forthwith to inform the city council the
or take such other steps as may have been provide
any rule or regulation of said city council.

Council to settle claims.

SEC. 22. The city council shall settle all just cl
and demands against the city, and settle with the trea
annually, and publish accounts of the receipts and ex
ditures of the city for the information of the citizens.

Power to appoint officers.

SEC. 23. The city council shall have power to ap
and at their pleasure to remove by a vote of a majori
the board present and acting, the following officers,
such others as may be deemed necessary to carry out
powers conferred by this act on said municipal corpora
one chief warden of the fire department, and as man
sistants as they may deem proper, and such a numb
street commissioners as said council may from time to
deem expedient; and prescribe their duties and com
sation, and to improve and enforce in law such penalti
to the said council may seem proper for any malfeas
or improper conduct of any of said officers.

SEC. 24. If any election provided for in this act
for any cause not be held at the time prescribed, it

not be considered a sufficient reason for arresting, suspending, or absolving the said corporation, but such election may be held at any time thereafter by order of the city council, of which time ten days' public notice shall be given, and further, if any of the duties enjoined by this act at a time herein specified, or specified by any ordinance of the city, are not then done, the city council may appoint another time upon which the said duties may be done: *Provided*, That the officer so failing to execute such duties at the time required, shall be liable to the same actions, fines, and penalties, as he would be liable to if the said council had not the power to appoint another time.

When election not held on day fixed, may be at any other time.

Sec. 25. Whenever the office of any person elected under the provisions of this act by the qualified voters of the city, shall become vacant by reason of the death, resignation, removal, refusal or neglect to qualify, or for any cause whatever, the same may be filled by special election, to be held at such time and place as may be designated by the mayor or acting mayor and city council, and the person or persons so elected shall fill the vacancy during the remainder of the term for which his predecessor was elected.

How vacancy filled.

Sec. 26. The city council shall have power to authorize the formation of fire engine, hook and ladder, and hose companies, provide for the due and proper regulation of the same, and to disband any such companies at any time, and prohibit their meetings as such, when disbanded, which companies shall be officered and governed by their own by-laws: *Provided*, Such by-laws be not inconsistent with the laws of this state or with the ordinances and regulations of the city, and shall be formed only by voluntary enlistment. Every member of any company in said city shall be exempt from serving on juries, and from poll tax and military duty, except in case of war, invasion, or insurrection; and whenever a member of a fire, hook and ladder, bucket and hose company, shall have served therein ten years, he shall be entitled to a discharge, signed by the mayor, and shall thereafter be exempt as aforesaid.

To organize fire companies.

Proviso.

Sec. 27. Upon the application in writing of two-thirds of the owners of lots or parcels of land upon any street or part of street, the city council shall have power to cause to be graded, graveled, paved or planked, any street or part thereof, or the side-walks on any street or part of street within said city, and to levy and collect a special tax on the lots and land bounding and abutting on such street or sidewalk, in proportion to the front or size of such lots respectively, for the purpose of defraying the cost of the same, in addition to the ordinary tax authorized by this act

May provide for construction of sidewalks.

to be levied and collected in the same manner as a
taxes are collected, and it shall be the duty of the city
cil to provide by ordinance for the assessing, corre
and equalization of such special tax; and the proper
assessed shall be liable for the payment of the same
in case any tax mentioned in this section shall be ret
delinquent, the proceedings for the sale of the lots or
so returned, shall in all respects be the same as in ca
delinquency in the payment of the annual city taxes
the addition of like interest, cost, and penalty.

Sec. 28. The said city council shall have power an
thority to lay out new highways, streets, alleys, and p
walks, and to vacate or alter such highways, streets,
and public walks as in their opinion shall not be of p
utility, to regulate, grade, pave, and improve streets
nues, lanes and alleys, and to extend, open, and wide
same, and notice of the passage by the city council o
order for laying out, vacating, changing, or altering
highway, streets, alleys, and walks, shall be given by
lishing notice of said order in some newspaper print
said city, immediately after the passage of the order
said, and if any person shall claim damages by reas
the laying out or vacating, changing, or altering th
and shall file his notice of such claim in writing wit
clerk, within thirty days after the order for laying ou
cating, or altering, shall have been made by the city
cil, the city council shall cause the damage, if any ove
above the benefit accruing thereby to such claimant
assessed by a jury as herein provided.

Power to lay out roads, &c.

Sec. 29. The said city council shall, at the expi
of thirty days after the making and entering of any
for the opening and laying out, extending, or vacatin
highway, street, alley, or public walk, cause to be
moned six good and lawful freeholders, inhabitants o
city, (and not directly interested) who, being first
sworn for that purpose, shall take into considerati
well the benefit as the injury which may accrue, a
timate and assess the damage which would be sustain
reason of the laying out, opening, and extending or w
ing of any street, avenue, alley, or public walk as afor
and shall return the same within six days, to the city
cil, under their hands and seals, which shall be paid
the city treasury of said city.

May provide for settlement of damages.

Sec. 30. There shall be two days' labor performe
nually on highways, streets, and alleys, by each male
son, who, by the laws of this state is subject to per
highway work, such person to perform such labor

Poll tax.

the direction of such street commissioners as the city council may appoint; but any such person may at his option, pay at the rate of fifty cents per day for every day he may be so bound to labor, and in default of the payment of such money, or the performance of such labor, the street commissioners, or either one of them, may sue for and collect such money by an action of debt, in the name of the city of Fond du Lac, with fifty per cent. damages on the same, together with costs of suit, before the mayor of the city, or any justice of the peace, and in all such cases the process shall be by warrant, and no stay of execution upon any judgment rendered on such suit shall be taken or allowed.

May levy tax.

Sec. 31. For the discharge of any debt against said city, or expenditure authorized by the city council, under the provisions of this act, or ordinance of said city, or to defray the current expenses of said city, the city council shall have power to levy and collect annually a tax on all such real and personal property or capital of any kind within said city, subject to taxation by the laws for levying the taxes of this state for the time being: *Provided*, That the whole amount of said annual taxes shall not exceed five mills on a dollar of the assessed value of said property, except as in the next section provided.

Proviso.

Special tax.

Sec. 32. Special taxes for purchasing fire engines, or for the purchase of a cemetery, and improving the same, for the burial of the dead, may be voted at any regular or special meeting; but no such vote shall be taken unless said tax be first recommended by the common council, and a notice of the same, specifying the purpose for which said tax is to be raised, and the time and place for voting, be published at least one week before such meeting in some newspaper in said city.

Assessors how governed.

Sec. 33. The assessors elected by virtue of this act shall, in all things pertaining to their office, be governed by the same laws as assessors in towns, except that as soon as they have completed their assessment rolls, they shall return them to the city clerk.

Council to equalize tax.

Sec. 34. It shall be the duty of the clerk annually upon the receipt of the assessment rolls, to lay the same before the city council for their consideration: and the said city council shall be a board of equalizers, and if they deem it necessary, may make such amendments, corrections, or alterations as will produce an equality of assessment agreeable to the value or comparative value between the several lands; and when so equalized, the said council, at any time thereafter, may proceed to levy upon the whole amount of such assessment as corrected and equalized, such a per

centage as a majority of all the board shall deem nece
for all corporation purposes for the year in which
made: *Provided*, That such per centage shall not ex
Proviso: five mills on a dollar valuation. But no county or stat
shall be levied by said council until the assessment
have been equalized by the county board, the same a
assessment of towns; and after having been so equa
by the county board, the same rules and regulations
be observed in levying and collecting said county and
taxes within said city as are applicable to the sa
towns.

Clerk to complete tax list. Sec. 35. It shall be the duty of the clerk to com
the tax lists of each ward within such time as sh
prescribed by the city council, and deliver the same to
er with the warrant of the said board, to the treasur
collection, which warrant shall be substantially the
as is required by law of town clerks, and make a rec
such delivery in a book where such list shall be reco
which record shall be conclusive evidence of such del
and the taxes so assessed on real estate shall be a l
preference to any other lien on the estate so taxed un
same shall be paid, together with all legal charges th

Treasurer to give notice. Sec. 36. Upon the receipt of any tax list by the
urer, it shall be his duty to give public notice in a ne
per published in said city, that such tax list (describi
what purpose said tax or taxes are levied) has been
mitted to him for collection and that he will receiv
ment for taxes at his office for the term of ten days ne
suing said notices, and all persons paying taxes durin
time shall be entitled to a discount of two per centu
on the amount paid; if the taxes are not paid with
said time he may then proceed to collect the same b
tress and sale of the goods and chattels of the p
charged, giving at least six days' notice of the time and
of such sale, by posting up not less than three writt
tices in as many public places in said city.

Sec. 37. In case no goods and chattels shall be f
out of which to collect the taxes on any lot or lots, or
Delinquent list. pieces of land or property, it shall then be his duty to
out a list of all the property and taxes remaining u
on the third Monday of January next succeeding th
of his tax list and warrant, and the list so made, wi
affidavit thereto attached, stating that the taxes therei
tained had not been collected, and that he had been u
to find goods and chattels out of which to collect th
es, shall be called the delinquent list, and it shall
duty to return said delinquent list to the treasurer

county of Fond du Lac, on or before the fourth Monday of January then next, and he shall, at the same time, pay over to said county treasurer all moneys then collected by him, belonging to the county of Fond du Lac, and also those belonging to the state of Wisconsin in the same manner as required by law of treasurers of towns.

Proceedings in case of removal.

Sec. 38. In case any person against whom personal property shall be assessed, shall have removed out of the city of Fond du Lac after such assessment was made, and before such tax ought by this act to have been collected, it shall be lawful for said treasurer to levy and collect such tax by distress and sale of goods and chattels of the person so assessed, in any town within the county of Fond du Lac, to which said goods or property may have been removed, or in which he may reside.

How first street tax levied.

Sec. 39. For the purpose of levying the first street or highway tax, the common council shall meet within eighteen days after the day of the first election provided for in this act at such time and place as the mayor may appoint, and proceed to assess the same on all the taxable property within the limits of section two in this act, according to the last assessment roll of the town of Fond du Lac, a certified copy of which assessment roll shall be provided from the clerk of said town and filed in the office of the clerk of said city. The said council shall cause to be made out separate lists of the names of all persons in each ward, with a description of each kind of property in such ward, together with the valuation of such property and the amount of such tax or taxes annexed to each such description, and also the amount of poll tax chargeable to each such person, which list, when so made out, shall be filed in the clerk's office as a record, and it shall then be the duty of the clerk to make a duplicate copy of each such tax list, and annex thereto his warrant, under his hand and corporate seal, commanding the street commissioner or commissioners (naming him or them) to collect the taxes therein specified, which warrant shall be substantially the same as is required to be made to overseers of highways in towns, which said street commissioners shall, in all respects, be governed by the same rules and regulations as overseers of highways of towns, except as otherwise provided by the city council; and thereafter in the same manner shall said highway or street taxes be annually levied upon the last assessment roll of the city of Fond du Lac.

No exemption.

Sec. 40. Real estate exempted from taxation by the laws of this state, shall be subject to local taxes for the building and improving of side walks.

Invested with liabilities of village.

Sec. 41. The said city of Fond du Lac shall be and is hereby invested as the lawful owner and successor of all the real and personal estate, and all the rights and privileges belonging to the corporation of the village of Fond du Lac, together with all the funds, revenues, debts, and demands due and owing to the said village of Fond du Lac as a corporate body, which, by or under any former acts, ordinances, grants, donations, gifts, or purchases, have been acquired, vested, or in any manner belong to said corporation, and the same are hereby transferred to the corporate body created by this act, and all suits, judgments, rights, claims, and demands against the said village of Fond du Lac, may be continued, prosecuted, defended, and completed, in the same manner as if this act had not been passed.

Officers to continue.

Sec. 42. All the officers of the village of Fond du Lac shall remain in their respective offices and perform the several duties thereof until the officers elected by virtue of this act shall be elected and qualified; and all by-laws, resolutions, and ordinances passed and adopted by the trustees of the village of Fond du Lac, shall remain in full force until altered or repealed by the city council established under this act.

Connection between city and town dissolved.

Sec. 43. From and after the first Tuesday of April, 1852, the connection between the said city of Fond du Lac and the town of Fond du Lac, for town purposes, shall be dissolved; and the duties now or hereafter imposed upon the supervisors and other officers of towns, so far as they relate to the city of Fond du Lac, shall be imposed on the officers of said city of Fond du Lac; and so much of the town of Fond du Lac as is not included in the limits of the city of Fond du Lac, shall continue to constitute the town of Fond du Lac, for the purposes of town and county government; and they shall hold their next town meeting at such place within the original town of Fond du Lac as the present board of supervisors shall appoint, and thereafter the place of meeting shall be decided by vote of their town meeting.

How business to be settled.

Sec. 44. The town business of the present town of Fond du Lac up to the time of the passage of this act, shall be settled by the town as constiuted by this act, and the amount of funds remaining, or debts due, as the case may be, shall be proportioned between the said town and city, according to the amount of taxable property belonging to each, as taken from the last assessment roll.

Sec. 45. This act may be amended, altered, or repealed by the legislature; and the act entitled "An act to incorpo-

rate the village of Fond du Lac," approved February 8th, 1847, and all acts and parts of acts inconsistent with this act, shall be, and the same are hereby repealed; such repeal to take effect at the time when this act becomes operative. Acts repealed.

Sec. 46. This act shall be considered a public act, and shall be construed favorably in all courts and places.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.

Approved, March 19, 1852.
LEONARD J. FARWELL.
[*Published, April* 1, 1852.]

An Act to incorporate the Cascade and Lake Michigan Railroad Company. **Chap 133**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. E. Fox Cook and such other person or persons as may hereafter become associated with him in the manner and under the restrictions hereinafter prescribed, his and their successors and assigns, are hereby created a body corporate by the name of the Cascade and Lake Michigan Railroad Company, and by that name shall be and are hereby authorized to construct and maintain a rail road, with one or more railways or tracks, from, and beginning at or near as may be the north-east corner of section twenty-seven, town fourteen, north of range twenty-three east, in the county of Sheboygan; running thence westerly from water's edge on west shore of Lake Michigan, along the section line on the north side of said section twenty-seven, through to where said line crosses the Sauk trail road; thence across the said Sauk trail road along the said section line, as near as may be practicable, to the village of Cascade, in said county of Sheboygan; and the said company are hereby made capable in law, to purchase, hold and enjoy and retain to them and their successors and assigns, lands, tenements and hereditaments, so far as may be necessary to construct said rail road, and the same to sell, grant, rent, or in any manner dispose of, to contract and be contracted with, to sue and be sued, to plead and be impleaded, answer and be answered, defend and be defended, and also to make, have and use at their pleasure a common seal: *Provided*, The said company do not construct the said railroad across any public or private highway, road, Created a body corporate. Proviso.

stream of water or water course, if the same shall be necessary, without restoring such road, highway, stream of water or water course, to its former state, or in sufficient manner not to impair the usefulness of said road, highway, stream of water or water course, to the owner or to the public.

How road to be built.

Sec. 2. The said railroad shall be substantially built in the usual way; with ties and strap rails, and all carriages or cars run thereon by the said company, may be propelled either by steam or horse power; and for the purpose of ascertaining the most advantageous line or practicable route whereon to construct the said railroad, the said company are hereby empowered to cause all necessary examinations and survey to be made, and when it shall be necessary in the location or construction of said road to pass through the land of any individual and thereby deprive him of a wagon way on the same, it shall be the duty of the said company to provide for such individual, proper wagon ways, and said company shall be liable to such individuals in treble the amount of damages sustained or occasioned by neglect to provide such way, which may be recovered in any court of competent jurisdiction.

When to elect officers.

Sec. 3. The stockholders of said company, shall annually, on the first Monday of May, elect one of their number president and treasurer, who may appoint a secretary and such other officers and agents as the company may deem necessary; and the said stockholders shall have power to make, from time to time, all needful rules, regulations and by-laws touching the construction and use of said road and business of said company, as they may find necessary and proper successfully to carry into effect the object of this charter.

How damages settled.

Sec. 4. The said company shall have the right to enter upon any lands and lay down said road, not exceeding four rods in width, and whenever any lands or materials shall be required for the construction of said road, and the same shall not be given or granted to said company, the compensation to be paid therefor shall be ascertained as follows: the person or persons claiming compensation as aforesaid, or if the owner or owners thereof are minors or insane persons or married women, the guardian or guardians of such minors or insane persons, and the husband of such married women may select for themselves an arbitrator, and the company shall select an arbitrator, and the two thus selected shall take to themselves a third; and in case either party shall refuse to appoint an arbitrator, the other party may petition any justice of the peace of the county of Sheboy-

gan, who, upon notice to the other party, shall appoint three arbitrators, who in either case shall be sworn by a justice of the peace, as arbitrators, to act justly according to the best of their understanding and judgment by and between the parties, and render copies of their award to each of the parties in writing, from which award either party may appeal to the court of proper jurisdiction for the county in which such land or material may be situated, and in all cases in which compensation shall in any manner be claimed for lands when there is no improvements made, it shall be the duty of the arbitrators and court to award a fair compensation for said land and materials; and appeals in such cases shall, when taken, be in all respects proceeded in as appeals in other cases in said court, and brought into said court by filing the award with the clerk of the said court, whose duty it shall be to enter the same on the docket of said court, setting down the claimant or claimants as plaintiff and said company as defendant, and when the valuation so ascertained shall be paid or tendered by the said company, said company shall have the same right to retain, hold, own, and possess said lands and materials as fully and absolutely as if the same had been granted and conveyed to the said company by deed, so long as the same shall be used for the purpose of said road: *Provided*, That one of said arbitrators so chosen shall be of kin to any of said parties or in any way interested on either side, and that the said company pay the said arbitrators. Proviso.

Sec. 5. Any person or persons having any claim or demand in writing against the said company, signed by the president and secretary thereof, either for the right of way or for work and labor done and performed for the said company, in the location or construction of said railroad or otherwise, or for materials furnished in the construction or running of said road, or otherwise, may have a lien on the property of the said company in like manner as mechanics and others have a lien on private property under the provisions of chapter one hundred twenty of the revised statutes: *Provided*, That it is first made to appear that payment of the same has been demanded of and refused of the treasurer of said company, who is hereby authorized and required to receive and safely keep all monies of the said company, and not to pay out the same or any part thereof only upon the order of the president and secretary, whose duty it is hereby made to draw their orders upon the treasurer in favor of all persons having any such claim or demand against the said company. Claim to be a lien upon road. Proviso.

Sec. 6. If any person or persons shall wilfully obstruct

Damage to road how punished.

or in any way spoil, injure, or destroy said railroad, or any part thereof, or any thing belonging or incident thereto, or any materials to be used in the construction thereof, or any building, fixtures or carriage, erected or constructed for the use or convenience thereof, such person or persons shall each be liable for every such offence to treble the damages sustained thereby, to be recovered in an action of debt in any court having jurisdiction of the amount.

Capital stock.

Sec. 7. The capital stock of said company shall be twenty-five thousand dollars, divided and disposed of in such manner as the stockholders in and by their by-laws may direct, and the president, treasurer and secretary shall be the directors of said company, whose property, personal and real, shall be taxed in like manner as individual property is taxed.

When road to be finished.

Sec. 8. The said company shall have the said railroad finished in ten years from and after the taking effect of this act, which is declared to be from and after its passage.

J. McM. SHAFTER.
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, March 23, 1852.
LEONARD J. FARWELL.
[*Published, March* 26, 1852.]

Chap 134 An Act to amend an act entitled "An act to incorporate the city of Racine in the county of Racine," and the acts amendatory to the same.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Tax limited.

Section 1. The mayor and city council shall not levy a tax on said city, in any one year, for current city expenses to exceed five thousand dollars.

To levy tax to pay debts,

Sec. 2. The mayor and city council shall levy a tax, in addition to the current city expenses, sufficient to pay the present indebtedness of said city, as the same shall become due and payable; and shall also levy a tax on the several wards of said city sufficient to pay the present indebtedness of said wards respectively.

Special tax to be voted upon.

Sec. 3. There shall be no other tax levied upon said city, or the several wards thereof, for city or ward purposes, except the poll tax, unless specially authorized by a vote of the property tax payers as hereinafter provided.

Sec. 4. On the written petition of fifty freeholders of said city, asking for an appropriation, stating the amount

for any specified object, not coming within the current ordinary expenses of the city, it shall be the duty of the mayor and city council to call a special election of the property tax payers of said city to vote upon said appropriation, and if a majority of those voting upon said question, shall vote in favor of it, the city council shall make the appropriation and levy a tax sufficient to pay it, but said money shall be applied to no other purpose except that specified in the original petition of the freeholders; but no more than one such proposition shall be submitted at any one election, and any surplus remaining over and above completing said specified object, shall be carried to the credit of the fund for current city expenses, and shall lessen the amount to be raised for that purpose in the next ensuing year to an amount equal to said surplus. Mayor to call special election.

Sec. 5. The city council shall cause, at least two weeks previous notice of such election to be given in the city paper, and said election shall be held and conducted by the mayor and city clerk as inspectors thereof, and but one poll shall be opened at any one election, and no two elections under these provisions shall be held within four weeks of each other; and all such elections shall be held within the limits of the first ward. Notice.

Sec. 6. No debt or liability of any kind or description shall be incurred by said city, or any ward thereof, or any work undertaken on account of said city, without the same being first brought before the city council at a regular meeting, and an estimate of its costs made, a vote authorizing it passed, and an appropriation made to pay the expense; but the city council may place at the disposition of the mayor a certain amount, to be denominated the contingent fund, from which the mayor shall be authorized to pay such charges and expenses as cannot from their urgency be delayed to be submitted to and acted upon by the city council; but the mayor shall make a full report at every regular meeting of the city council of all payments made from the contingent fund. How liability incurred.

Sec. 7. Whenever twenty freeholders of any ward of said city shall present a written petition to the city council asking for an appropriation for any specific object, stating the amount, the city council shall authorize an election to be held in said ward by the aldermen thereof, for the purpose of voting thereon, and if a majority voting thereon shall vote in favor of the proposed appropriation, the same shall be made, and a tax sufficient to pay the same levied upon said ward; but said money shall be applied to no other purpose than that specified in the original petition of How appropriation to be made.

the freeholders. Any surplus remaining over and
completing the specified object may be appropriate
vote of the council to improvements in said ward
the foregoing provisions relating to city elections a
persons entitled to vote thereat, shall apply to war
tions under this act, except as otherwise in this secti
vided.

Alderman individually liable.

Sec. 8. Every alderman voting to make any app
tion or to incur any liability in violation of the pro
of this act, or beyond the amounts herein authorized
raised, (except the same shall have been occasion
the incorrectness of the reports of the clerk here
mentioned,) shall be jointly and severally liable in
individual capacity for every appropriation so made
bility incurred, and the city shall not be liable there

May construct docks, &c.

Sec. 9. The city council shall have power to aut
the construction of docks, wharves, sheet pileing, e
ments, or such other protection as the said city c
may deem expedient to prevent the banks of Root
from washing, sliding, or falling into said river, a
to require the docks, embankments, and sheet pil
be kept in repair. The city council shall also have
to authorize the construction of suitable piers, break-
and such other protections as may be planned or d
for the purpose of securing the lake shore within the
of said city from the encroachments of the waters o
Michigan, and to levy a tax in the manner hereinaf
cified, upon the lots and ward or wards benefitted
dered more valuable thereby; but no such impro
shall be authorized by said city council, until a plan
same shall have been submitted to them in writing,
careful estimate of the cost thereof made; and th
when authorized, shall be let by contract to the lowest
or bidders, reasonable notice having first been given
time and place of receiving said bids, which contrac
shall be the maximum to be raised as hereinafter pr
for.

Council to appoint jury.

Sec. 10. As soon as the contract price of any su
provement shall be ascertained, after the same shall
as aforesaid, the council shall select a jury of six fr
ers in like manner as they are now selected, to appr
damage on opening streets, and in no way intere
said improvement or the lots and ward or wards ben
thereby, whose duty it shall be faithfully and impa
to assess the cost of said improvement upon the lo
ward or wards benefitted either immediately or in pr
assessing such proportion upon the ward or wards a

be just and equitable, and the remainder upon the lots benefitted thereby, having proper reference to the present protections and situations of said lots, and the amount of benefit each receives therefrom, and the said jury shall make return to the city council in like manner as is now provided for making returns for appraisal of opening of streets.

Tax to be a lien on lots.

Sec. 11. Whenever said assessment shall be completed and filed with the city treasurer, the same shall become a lien upon said lots from the time of filing the same; and so much as shall be assessed upon the ward shall be added into the next annual tax list upon said ward, and so much as shall be assessed upon the lots, if not paid previous to the first day of September next after the same is filed, shall be added to the tax upon said lots, with five per cent. added thereto, and shall be collected in the same manner and at the same time as other taxes; but in case said assessment shall be filed six months prior to the said first day of September, and shall remain unpaid as aforesaid, ten per cent. shall be added thereto.

Treasurer to issue warrant.

Sec. 12. Whenever a tax on personal property shall have been or shall hereafter be included in any assessment roll in said city, and shall have remained or shall hereafter remain unpaid in whole or in part, until the first day of February next after the same shall have been levied, the city treasurer may, at any time within three years thereafter, issue a warrant under his hand, directed to the sheriff of Racine county, commanding him to levy the amount of such unpaid taxes, together with his fees for collecting the same, of the goods and chattels, lands and tenements of the person to whom such taxes were assessed, and to pay the same to the city treasurer, and return such warrant within sixty days from the date thereof. Or said treasurer may, at any time within said three years, sue for and recover such unpaid taxes, in an action to be brought in the name of the city of Racine, against such person in any county where he may be found; and the assessment roll and city treasurer's warrant, and certificate of non-payment of said tax, or abstracts therefrom certified by the city treasurer, under the seal of said city, shall be *prima facie* evidence of such tax being unpaid and of the amount which should be recovered in such action.

Duties of clerk.

Sec. 13. The city clerk shall keep the records and books of accounts of said city in such manner as the city council shall prescribe. He shall, at every regular meeting of said council, report to them the whole amount of appropriations made or liabilities incurred by said council for the

current expenses of the city; which report shall be r
ed in a book to be provided for the purpose. And th
clerk shall be individually liable to the city and the
ral aldermen of said council, and to every other p
for any damage that they or either of them may sust
consequence of said report being incorrect. The city
cil may by a vote of two-thirds of all the aldermen e
to said council, remove said clerk from office, for negl
refusal on his part to obey the foregoing provisions, a
point a suitable person to perform his duties.

J. McM. SHAFTER,
Speaker of the Assem
TIMOTHY BURNS,
Lt. Governor and President of the Sen
Approved, March 23, 1852.
LEONARD J. FARWELL.
[*Published April 3,*

An Act to incorporate the Racine and Wilmot Plank Road Company.

Chap 135

The people of the State of Wisconsin represen
Senate and Assembly, do enact as follows:

Commissioners.

Section 1. Isaac Taylor, John Dickson, Asahe
Benham, Archibald McIntire, Charles Herrick, E.
man, Marshall M. Strong, Clark W. Spafford, Reub
Norton, Elisha Raymond, John W. Carey, Nichol
Fratt, and William K. May be and they are herel
pointed commissioners under the direction of a ma
of whom subscriptions may be received to the capital
of the Racine and Wilmot Plank Road Company, h
incorporated, and they may cause books to be oper
such times and places as they shall direct, for the pu
of receiving subscriptions to the capital stock of said
pany, first giving twenty days' notice of the times an
ces of taking subscriptions by publishing the same i
paper printed in the city of Racine, and one in the c
of Kenosha.

Capital stock.

Sec. 2. The capital stock of said company shall
ty-five thousand dollars, and shall be divided into sha
twenty dollars each; and as soon as five hundred sha
the capital stock shall be subscribed, and one doll
each share actually paid in, the subscribers of such
with such other persons as shall associate with ther
that purpose, their successors and assigns shall be and
are hereby declared and created a body corporate an

itic, by the name and style of the Racine and Wilmot Plank Road Company, with perpetual succession, and by that name shall have all the privileges, franchises, and immunities incident to a corporation, to wit: they shall be capable in law of purchasing, holding, leasing, and conveying estate either real, personal, or mixed, and in their corporate name may sue and be sued, may have a common seal, which they may alter or renew at pleasure, and generally may do all and singular the matters and things which they are authorized by law to do for the interest and well being of said company.

Commissioners to call meeting.

SEC. 3. The said commissioners or a majority of them, after the said five hundred shares of stock shall have been subscribed as aforesaid, shall give at least twenty days' notice in the newspapers hereinbefore mentioned of the time and place of meeting of the stockholders for the purpose of electing directors, who shall elect one of their number president, and annually thereafter the said stockholders shall meet on the first Monday of March, for the purpose of electing directors as aforesaid, upon a like previous notice to be given by a majority of the directors for the time being in such newspapers as they may think proper: *Provided*, That previous to the first election, the commissioners hereinbefore named, shall elect one of their number president, and they shall perform all the duties and be invested with all the powers of directors, and be required to possess all the qualifications required from the directors of the company: *And provided*, That if from any cause an election shall not be held at the regular time specified therefor, the same may be held at any other time on notice as aforesaid; that until such election, the directors of the preceding year shall continue to act, and this charter shall not be avoided by reason of the irregularity or want of such election, and in case of any vacancy in the board of directors, the same shall be filled by the other directors or a majority of them.

Proviso.

Board of directors.

SEC. 4. The affairs of said company shall be managed by a board of nine directors who shall be stockholders and be chosen annually by ballot, by the stockholders of said company, the vote to be given in person or by proxy duly authorized; which directors shall appoint one of their number president, and shall serve until others are elected in their stead. They shall make and establish such by-laws, rules, and regulations, not inconsistent with the constitution, and laws of the United States and of the state of Wisconsin, as may be necessary for the well ordering of the affairs of said company. Each share of stock shall be entitled to one vote, and in all cases of elections for directors,

the nine stockholders having the greatest number of vo
shall be declared duly elected.

SEC. 5. Five directors shall constitute a quorum
the transaction of business, who, in the absence of the pr
ident, may appoint a president *pro tem.* The said dir
tors shall appoint a secretary, treasurer, such engineers, a
other officers as they may find necessary, and fix their co
pensation, and may demand adequate security for the p
formance of their respective trusts. They shall have
power to decide the time and manner in which the s
stockholders shall pay the money due on their respect
shares, not exceeding twenty-five per cent. in any one
stallment, and to forfeit to the use of said company
share or shares of every person or persons failing to p
any installment at a reasonable period not less than thi
days after the time appointed for the payment thr
They shall have power to regulate tolls, to make such co
nants, contracts, and agreements, with any person
persons, or body politic whatsoever, as the execut
and management of the works and the convenience and
terest of the company may require, and in general to
perintend and direct all the operations, receipts, disbu
ments and other proceedings of the company. The co
missioners, until the directors are chosen, and after su
election the directors shall issue certificates to each sto
holder for the number of shares he or she shall subscr
for or hold in said corporation, signed by the president a
countersigned by the secretary, subject to all the payme
due and to become due thereon, which stock shall be tra
ferable in person or by attorney, executors, administrat
guardians, or trustees, under such regulations as may
provided by the by-laws of said company.

Quorum.

Powers.

SEC. 6. The said company shall have power to loc
and construct a single or double track plank or gravel r
or partly of each, commencing at such point in or near
city of Racine and county of Racine, as may be de
nated by the board of directors, and running thence sou
westerly on the most eligible route to Wilmot, in the to
of Salem, in the county of Kenosha, and they shall h
power to erect all such toll houses, bridges, and other wo
and appendages as may be necessary for the convenie
of said company in the use of said road. The direc
shall exercise all powers conferred on them by
shall audit and pay all accounts, give and receive all s
receipts and discharges of debts as shall be deemed best
the interest of said company, fix the compensation and
ary of the officers they may appoint, and meet at s

May construct road.

times and places as they may prescribe in the by-laws to be enacted by them. They may appoint and remove all officers at pleasure, prescribe the meeting of the stockholders, and declare and pay the dividends or so much of the surplus profits of the company as they shall think advisable, which may accrue on the shares of the said stock to the stockholders of said company, at such times as the directors by their by-laws shall appoint, and at each annual meeting of the stockholders for the purpose of electing directors, the directors of the preceding year shall exhibit to the meeting a complete statement of the affairs and proceedings of the company for such year.

May enter upon lands.

Sec. 7. It shall and may be lawful for said company, their officers, agents, and engineers, to enter upon any land for the purpose of exploring, surveying, and locating the route of said plank road, doing thereto no unnecessary damage, and when said route shall be determined by said company, it shall be lawful for them, their agents, and officers and engineers, contractors, and servants, at any time to enter upon, take possession of, and use such lands for the purpose of said road, not exceeding in width four rods along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter directed and provided for.

How damages settled.

Sec. 8. Whenever it shall become necessary for the president, directors, and company of said plank road corporation, to enter in and upon and occupy for the purpose of making said plank road, any land upon which the same be located, if the owner or owners of said land shall refuse to permit such entry or occupation, it shall and may be lawful for the parties to appoint three disinterested persons to estimate such damage, who shall be under oath or affirmation fairly and impartially to estimate the same, who shall reside within the county where the land lies; and the expenses incurred by the said appraisers shall be defrayed by the plank road company, but if the parties can not agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointment within twenty days after the requisition for that purpose upon him made, or if such owner shall be feme covert, under age, *non compos mentis*, or out of the state, then it shall be lawful for the judge of the circuit court of the circuit in which such land lies, on application of either party, and at the cost and charge of said corporation, to appoint three disinterested persons of the said county to view and

examine said lands and estimate the injury or dama
any, in their apprehension will be sustained as afor
by reason of the location of said plank road, and repo
same under their oaths or affirmation, to the circuit
of said county, which report being confirmed by said
judgment shall be entered thereon, and the said vi
shall be entitled for their services to two dollars pe
each, to be paid by the said company in all cases
the damages shall be assessed to a greater amount tha
sum that may have been tendered by said company f
use of such land, or to be paid by the owner or own
all cases where the assessed damages shall not be g
Proviso. than the sum thus tendered: *Provided*, That in ca
owner of such land be feme covert, under age, o
compos mentis, the cost of such assessment shall b
by said company, and it shall be the duty of the appr
in estimating such damages, to take into consideratio
advantage that may accrue to the owner of said lands
the construction of said plank road: *Provided, fu*
That either party may appeal to the circuit court
thirty days after such report may have been filed
clerk's office, and such appeal shall be tried as other
arising in said court: *And provided also*, That unti
appraisers shall report to the circuit court, the pre
and directors, agents, or contractors for making and r
ing the said road may take and use said land; and
said report, upon payment or tender of payment of th
specified in the report of said viewers or appraisers,
owners of said land, or a deposit of the same for thei
efit with the clerk of the circuit court of the county
the land is situated, they may for like purpose take
continue in possession of said land, without waiting
sue of such appeal.

Sec. 9. The shares of stock of the corporation sh
Stock deemed personal property. deemed personal property, and every person becom
shareholder by transfer, purchase, or otherwise of sha
said stock, shall succeed to all the rights and liabili
the prior holder of said share or shares, and the said
shall be liable to be taken in execution for the paym
the debts of their owners, in such manner as is or m
Proviso. provided by law: *Provided*, That all debts due said
pany shall be first paid. Whenever the route of said
follows the line of any public highway, the said com
shall not take possession of the said highway until th
pervisors of the town through which it passes shall
given their written consent, which shall be recorded
town clerk's office, or if the said supervisors refuse to

their consent, the damages to the town shall be appraised or ascertained as in the case of private property; and the amount so appraised for each highway so taken, shall be paid to the said supervisors of the town to which it belongs to be by them applied in improving the roads in such town.

Sec. 10. The directors may erect toll gates and exact toll from persons traveling on their road, whenever two consecutive miles are finished, or when the whole road is completed, not exceeding two cents a mile for every vehicle, sled, sleigh or carriage drawn by two animals, and if drawn by more than two, one cent a mile for every additional animal; for every vehicle, sled, sleigh, or carriage drawn by one animal, one cent a mile; for every score of sheep or swine, three cents a mile, and for every score of neat cattle four cents a mile: *Provided*, That persons going to or returning from funerals shall be exempt from toll, and no toll shall be exacted of any person or persons while actually going to or returning from any religious meeting on Sunday. Rates of toll.

Sec. 11. If any person shall willfully and knowingly obstruct, break, injure, or destroy the plank road so to be constructed by said company, or any part thereof, or any work, building, or fixture attached to or in use upon the same belonging to said company, such person or persons so offending, shall each of them, for every such offence be liable in a civil suit for the recovery of damages by said company, by an action of debt, in any court having competent jurisdiction in the county wherein the offence shall have been committed, and shall also be subject to indictment, and upon conviction shall be punished by fine and imprisonment, or either, at the discretion of the court. Penalty for damage to road.

Sec. 12. The directors of said company at any annual or special meeting of the stockholders, with the consent of a majority of amount of such stockholders, may provide for such increase of the capital stock of said company, as may be found necessary to complete said road, in such sections as may have been actually commenced but remain in an unfinished state for want of means for completing the same. May provide for increase of capital stock.

Sec. 13. If said company shall violate any of the privileges hereby granted, the legislature of the state of Wisconsin may resume all and singular the rights and privileges vested in said company by this act. How charter forfeited.

Sec. 14. Said company shall be liable for all damages that may be sustained by any person or persons in consequence of the omission or neglect to keep said road in good repair and condition. Liability for injury.

SEC. 15. This act may be altered or amended b future legislature of the state of Wisconsin.

SEC. 16. This act shall be in force and have effec and after its passage.

J. McM. SHAFTER,
Speaker of the Assem
TIMOTHY BURNS,
Lt. Governor and President of the Sen
Approved, March 23, 1852.
LEONARD J. FARWELL.
[*Published March* 29,

Chap 136 An Act to incorporate the Saukville and Grafton Plank, Gravel, and Coal Company.

The people of the State of Wisconsin, represen Senate and Assembly, do enact as follows:

Commissioners. SECTION 1. That William Payne, J. Fischbein, Fitzpatrick, J. Mann, William Blakely, George C. D John Louler, E. S. Turner, George P. Goulding, Ja Adriance, William Schroder, William Voyernitze, C Hornifer, and Alfred Lumberson, be and they are h appointed commissioners, under the direction of a ma of whom subscriptions may be received to the capital of the Saukville and Grafton Plank Road Compan hereby incorporated, and they may cause books to be ed at such times and places as they shall direct, f purpose of receiving subscriptions to the capital st said company, first giving thirty days' notice of the and places of taking such subscription, by publishi same in one or more newspapers printed in the cou Washington or in some adjoining county.

Capital stock SEC. 2. The capital stock of said company sh twelve thousand dollars, and shall be divided into of ten dollars each, and as soon as four hundred sha the capital stock shall be subscribed and one dollar o share actually paid in, the subscribers of such stock such other persons as shall associate with them fo purpose, their successors and assigns, shall be and th hereby declared and created a body corporate and p by the name and style of "The Saukville and Grafton Gravel, and Coal Road Company," with perpetual su ion, and by that name shall have all the privileges, fran and immunities incident to a corporation, to wit: they be capable in law of purchasing, holding, leasing, an veying estate, either real, personal, or mixed, and in

corporate name may sue and be sued, may have a common seal which they may alter or renew at pleasure, and generally, may do all and singular the matters and things which they are authorized by law to do for the interest and well being of said company.

Sec. 3. The said commissioners or a majority of them after the said four hundred shares of stock shall have been subscribed as aforesaid, shall give at least twenty days' notice in the newspapers hereinbefore mentioned of the time and place of meeting of the stockholders, for the purpose of electing seven directors, who shall elect one of their number president, and annually thereafter the said stockholders shall meet on the first Monday in June, for the purpose of electing directors as aforesaid, upon a like previous notice to be given by a majority of the directors for the time being, in such newspapers as they may think proper: *Provided*, That previous to the first election, the commissioners hereinbefore named shall elect one of their number president; and they shall perform all the duties and be invested with all the powers of directors: *And provided*, that if from any cause an election shall not be held at the regular time specified therefor, the same may be held at any other time on notice as aforesaid; that until such election, the directors of the preceding year shall continue to act, and this charter shall not be avoided by reason of the irregularity or want of such election, and in case of any vacancy in the board of directors, the same shall be filled by the other directors or by a majority of them. Commissioners to call meeting

Sec. 4. The affairs of said company shall be managed by a board of seven directors, who shall be stockholders, and be chosen annually by ballot by the stockholders of said company, the vote to be given in person or by proxy duly authorized, which directors shall appoint one of their number president, and shall serve until others are elected in their stead; they shall make and establish such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States and of the state of Wisconsin, as may be necessary for the well ordering of the affairs of said company; each share of stock shall be entitled to one vote, and in all cases of elections for directors the seven stockholders having the greatest number of votes shall be declared duly elected. Affairs managed by board of directors.

Sec. 5. Five directors shall constitute a quorum for transaction of business, who in the absence of the president, may appoint a president, *pro tem.* The said directors shall appoint a secretary, treasurer, such engineers and other officers as they may find necessary, and fix their com- Quorum.

pensation, and may demand adequate security for the performance of their respective trusts, and they shall have power to decide the time and manner in which the said stockholders shall pay the money due on their respective shares, not exceeding twenty-five per cent. in any one installment, and to forfeit to the use of said company the share or shares of each and every person or persons failing to pay any installment at a reasonable period, not less than thirty days after the time appointed for the payment thereof. They shall have power to regulate tolls; to make such covenants, contracts and agreements, with any person or persons or body politic whatever, as the execution and management of the works and the convenience and interest of the company may require, and in general to superintend and direct all the operations, receipts, disbursements, and other proceedings of the company. The commissioners, until the directors are chosen, shall issue certificates to each stockholder for the number of shares he or she shall subscribe for or hold in said corporation, signed by the president and countersigned by the secretary, subject to all the payments due and to become due thereon, which stock shall be transferable in person or by attorney, executors, administrators, guardians or trustees, under such regulations as may be provided by the by-laws of said company.

Powers.

Power to locate road.

SEC. 6. The said company shall have power to locate and construct a single or double track plank, gravel or coal road, or partly of either, from the village of Saukville, in the county of Washington, on or near the Green Bay road, to the village of Grafton, in said county, and thence to intersect at such point with the Milwaukee and Fond du Lac plank road, as shall be determined upon by a vote of the stockholders having a majority of the stock of said company, and who shall be represented in person or by proxy at a special meeting called for the purpose of fixing the location or termination of said road, and they shall have power to erect all such toll houses, bridges, and other works and appendages as may be necessary for the convenience of said company in the use of said road. The directors shall exercise all powers conferred on them by law; shall audit and pay all accounts; give and receive all such receipts and discharges of debt as shall be deemed best for the interests of said company; fix the compensation and salary of the officers they may appoint, and meet at such times and places as they may prescribe in the by-laws to be enacted by them. They may appoint and remove all officers at pleasure; prescribe the meeting of the stockholders, and declare and pay the dividends, or so much of the surplus profits of

the company as they shall deem advisable, which may accrue on the shares of the said stock to the stockholders of said company, on the first Monday of June and December of each year.

May enter upon lands.

Sec. 7. It shall and may be lawful for said company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of said plank road, doing thereto no unnecessary damage, and when said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time to enter upon, take possession of, and use such lands for the purpose of said road, not exceeding four rods in width along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter directed and provided for.

How damages settled.

Sec. 8. When the said corporation cannot agree with the owner or owners of any land, gravel, stone or other materials required for the construction of said road, for the purchase thereof or the compensation to be paid therefor, or when by reason of the absence or legal incapacity of the owner or owners, no such agreement or purchase can be made, then and in any such case, it shall be lawful for any justice of the peace of the county in which the property may lie, to issue his warrant, directed to the sheriff or any constable of said county, not directly interested, requiring him to summon a jury of nine freeholders of said county, not interested in said property, to meet at some convenient place at or near the property to be valued, on a day in said warrant named, not less than five nor more than ten days from the date of said warrant; and if at the time and place named, any [person or persons] so summoned do not attend, the said sheriff or constable shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a pannel of nine jurors, and from them the said company and the owner or owners of the property to be valued, their agent or attorney, or either of them, and if they are not present in person or by attorney, the sheriff or constable shall for him or her, strike off each two of said jurors, and the remaining five shall act as a jury of inquest of damages; and before they act as such, the said sheriff or constable shall administer to each of them an oath or affirmation that he will faithfully and impartially value the lands or materials required for said road, and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into con-

sideration the advantage the same will be to the
owners according to the best of his skill and ju
whereupon the said jurors shall proceed to view
land or material so required, and to hear the evi
the respective parties, which said jurors shall r
writing, which shall be signed by all, or a majorit
jurors, and by the said sheriff or other officer ir
ance; and the said officer shall within five days t
transmit the same to the clerk of the district cou
proper county, who shall file the same. Such in
shall describe the property taken or to be take
boundaries of the land in question, and the valu
as aforesaid, and when such valuation shall be pai
er with the costs of such inquisition, or tender
owner or owners, or deposited with the said court,
title the said company to the estate and interest in
thus valued as if it had been conveyed by the
owners thereof, in fee simple, so long as the land
ued and taken shall be used for the track of sai
Proviso. gravel or coal road: *Provided*, That it shall not
for any such jury of inquest to proceed in the val
any such property or material in the absence of t
or owners thereof, his, her, or their legal representa
less it be made to appear by affidavit that such
owners have had at least five days' notice of the
place of meeting, for the purpose of making suc
tion, or unless it shall in like manner be shown
owner or owners are under age, or *non compos me*
service of notice upon the trustees or guardians (if
any) or their absence from the county shall be re
be established by affidavit to the said jurors, bef
shall proceed to make such valuation: *Provided*
That in case of such disagreement the company
take possession of any land or material until s
shall have first decided that the taking thereof is
ry, and in case of materials, that the same are r
tially necessary to the owner or owners thereof, fo
or their private and proper use.

Stock to be deemed personal property. Sec. 9. The shares of stock of the company
deemed personal property, and every person bec
shareholder by transfer, purchase or otherwise of
said stock, shall succeed to all the rights and liab
the prior holder of said share or shares, and the sa
shall be liable to be taken in execution for the
of the debts of their owners in such manner as i
be provided by law: *Provided*, That all debts
company shall first be paid. Whenever the rout

ad follows the line of any public highway, the said com-
ny shall not take possession of the said highway until
e supervisors of the town through which it passes shall
ve given their written consent, which shall be recorded
the town clerk's office, or if the said supervisors shall
fuse to give their consent, then the damages to the town
all be appraised or ascertained as in case of private prop-
ty, and the amount so appraised for such highway so ta-
n, shall be paid to the said supervisors of the town to
hich it belongs, to be by them applied in improving the
ads in such town.

Sec. 10. The directors may erect toll gates and exact
ll from persons traveling on their road, whenever three
nsecutive miles are finished, or when the whole road is
mpleted, not exceeding two cents a mile for every vehicle, Rates of toll.
ed, sleigh or carriage, drawn by two animals, and if
wn by more than two animals, one cent a mile for eve-
additional animal; for every vehicle, sled, sleigh or car-
ge, drawn by one animal, one cent a mile, and for eve-
horse and rider or led animal, one cent a mile; for eve-
score of sheep or swine, three cents a mile, and for eve-
score of neat cattle, four cents a mile: *Provided*, That
rsons going to and from military parade, at which they Proviso.
e required by law to attend, and persons going to or from
nerals, shall be exempt from toll, and no toll shall be
acted of any person or persons while actually going to
returning from any religious meeting on Sunday.

Sec. 11. If any person shall willfully and knowing ob- Penalty for dam-
ruct, break, injure or destroy the plank, gravel, or coal age to road.
ad, so to be constructed by said company, or any part
ereof, or any work, buildings or fixtures, attached to or
se upon the same, belonging to said company, such per-
n or persons so offending shall each of them for every
ch offence be liable in civil suit for the recovery of dam-
es by said company, by an action of debt, in any court
ving competent jurisdiction in the county wherein the
fence shall have been committed, and shall also be sub-
ct to indictment, and upon conviction, shall be punished
fine and imprisonment, or either, at the discretion of
e court.

Sec. 12. The directors of said company may at any an- May provide for
al or special meeting of the stockholders, with the con- increase of cap-
nt of a majority of amount of such stockholders, provide ital stock.
r such increase of the capital stock of said company as
ay be found necessary to complete said road in such
ctions as may have been actually commenced, but remain

in an unfinished state for want of means for completing the same.

How charter forfeited.

Sec. 13. If said company shall violate any of the privileges hereby granted, the legislature of the state of Wisconsin may resume all and singular the rights and privileges vested in said company by this act.

Liable for damage.

Sec. 14. Said company shall be liable for all damages that may be sustained by any person or persons in consequence of the omission or neglect to keep said road in good repair and condition.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, March 23, 1852.
LEONARD J. FARWELL.
[*Published, April 6, 1852.*]

Chap 137

An Act to incorporate the Fond du Lac, Beaver Dam, Columbus and Madison Rail Road Company.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Commissioners.

Section 1. That Mason C. Darling, John A. Eastman, E. W. Drury, Samuel L. Rose, John Van Eps, Robert V. Bogert, Abram Ackerman, Robert W. Earll, James T. Lewis, J. C. Axtell, D. E. Bassett, A. G. Cook, John Catlin, John Y. Smith, and Simeon Mills, be, and they are hereby appointed commissioners, under the direction of a majority of whom, subscriptions may be received to the capital stock of the Fond du Lac, Beaver Dam, Columbus and Madison Railroad Company, hereby incorporated; and they may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of such times and places, by publishing the same in one newspaper printed at Madison and one in the village of Fond du Lac.

Created a body corporate.

Sec. 2. The capital stock of said company shall be one million of dollars, in shares of fifty dollars each; and as soon as four hundred shares of stock shall be subscribed, and five dollars on each share actually paid in, the subscribers of such stock, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby declared and created a body corporate and politic, by the name and style of the "Fond

du Lac, Beaver Dam, Columbus, and Madison Rail Road Company," with perpetual succession, and by that name shall have all the privileges, franchises, and immunities incident to a corporation. They shall be capable in law of purchasing, holding, selling, leasing, and conveying estate, real, personal and mixed, so far as the same may be necessary for the purposes hereinafter mentioned; and in their corporate name may sue and be sued, plead and be impleaded, may have a common seal, and may alter the same at pleasure, and generally may do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of said corporation.

Sec. 3. The said commissioners, or a majority of them, after the said four hundred shares of stock shall have been subscribed as aforesaid, shall give at least thirty days' notice in the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers or stockholders to meet, for the purpose of electing thirteen directors; and annually thereafter, the said stockholders shall meet on the third Wednesday of January for the purpose of electing directors as aforesaid, upon a like previous notice to be given as aforesaid: *Provided*, That previous to the first election, the commissioners hereinbefore named shall elect one of their number president, and they shall perform all the duties and be invested with all the powers of directors: *And provided*, That if from any cause an election shall not be held at the regular time specified therefor, the same may be held at any other time on notice as aforesaid; that until such election, the directors of the preceding year shall continue to act, and this charter shall not be avoided by reason of the irregularity or want of such election: *And provided also*, That in case of vacancy from the death, removal, or resignation of any director, his place may be filled by a majority of the board of directors.

Commissioners to call meeting.

Proviso.

Sec. 4. The affairs of said corporation shall be managed by a board of thirteen directors, who shall be chosen annually by ballot, on the days hereinbefore prescribed, by the stockholders of the said company, the votes to be delivered in person or by proxy duly authorized; which directors shall appoint one of their number to be president, and shall respectively serve for one year, or until other directors are elected; they shall have power to make and establish such by-laws, rules and regulations, not inconsistent with the constitution and laws of this state as may be necessary for the well ordering the affairs of said company.

Board of directors.

Each share entitled to one vote

SEC. 5. None but stockholders shall be elected d
tors, and at every election and in all cases where s
holders shall be called upon to vote, each share of
shall be entitled to one vote, and in all cases of electio
directors, the thirteen stockholders having the highest
ber of votes shall be declared elected.

When directors to meet.

SEC. 6. The said directors shall meet at such times
places and be convened in such manner as they may
after decide upon. A majority of said directors sha
a quorum for the transaction of business, who, in th
sence of the president, shall appoint a president *pro*
The said directors shall appoint a secretary, treasurer
such engineers and other officers as they may find nec
ry, and they shall have full power to fix the compens
of all officers or agents, and may demand adequate s
ty for the performance of their respective trusts.
shall decide the time, manner, and proportions in v
the said stockholders shall pay the money due on the
spective shares, and forfeit to the use of the compan
share or shares of every person or persons failing t
any installment so required, at a reasonable period no
than sixty days after the time by them appointed fo
payment thereof; they shall have full power to reg
tolls, to make such covenants, contracts, and agreer
with any person, co-partnership, or body politic whatso
as the construction and management of the works, an
convenience and interest of the company may require
in general to superintend and direct all the operation
ceipts, disbursements, and other proceedings of the
pany: *Provided*, That no installment called in at an
time, shall exceed two dollars and fifty cents per s

Proviso.

and that no installment shall be called for by the dire
without at least thirty days' notice thereof in the ne
pers hereinbefore named.

Directors to issue certificates.

SEC. 7. The directors chosen as aforesaid shall is
certificate to each stockholder for the number of shar
or she may subscribe for or hold in said corporation, s
by the president and countersigned by the secretary
sealed with the common seal, subject, however, to al
ments due and to become due thereon, which stock
be transferred in person or by attorney, executors, a
istrators, guardians, or trustees, under such regulati
may be provided for in the by-laws of said company

To exhibit statement.

SEC. 8. At each annual meeting of the stockh
for the purpose of electing directors, the directors
preceding year shall exhibit to them a complete state
of the affairs and doings of the company for such

and special meetings of the stockholders may be called by order of the directors or by stockholders holding one-fourth of the capital stock, on like notice as that required for annual meetings, specifying moreover the object of such meeting; but no business shall be transacted at such special meeting unless a majority in value of the stockholders shall attend in person or by proxy.

Sec. 9. The said company shall have power to construct a single or double track rail road from the village of Fond du Lac in the county of Fond du Lac, via Beaver Dam, Columbus, to the village of Madison in the county of Dane; and shall have power to transport, take, and carry property and persons upon the same by power and force of steam, of animals, or of any mechanical or other power, or by any combination of them; and they shall also have power to make, construct, and erect all such side tracks, turn-outs, and connecting tracks, and also all such warehouses, toll houses, machine shops, carriages, cars, and other works and appendages as may be necessary for the convenience of the company, for the use of the said rail road, and also to connect said rail road and operate the same with other rail roads and branch rail roads in the state of Wisconsin. May construct road

Sec. 10. If such corporation shall not within three years from the passage of this act commence the construction of said rail road, then the rights, privileges, and powers of said corporation under this act, shall be void. How charter forfeited.

Sec. 11. It shall be lawful for the said company, their officers, engineers, and agents to enter upon any land for the purpose of exploring, surveying, and locating the route of said road, doing thereto no unnecessary damage, and when the said route shall be determined by the said company, it shall be lawful for them, their agents, officers, engineers, contractors, and servants, at any time to enter upon, take possession of, and use such lands, not exceeding one hundred feet in width along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or such as shall be ascertained in the manner hereinafter directed and provided in such cases respectively; and said company are hereby authorized by their officers, engineers, agents, and servants, to enter upon lands adjacent to the rail road, beyond the limits of one hundred feet, in the manner provided in this act, when necessary for the purpose of erecting depot buildings, station houses, and necessary fixtures, for the operation and for the business of said road, and for the purpose of making drains, and giving a proper direction May enter upon lands.

to water-courses across or along said road, when the sa
are necessary beyond the limits of said road, and to rem
all substances and things which might endanger, obstr
or interfere with the free use of said road, and to dep
earth, gravel, and stone taken from cuts, and to obt
earth, gravel, stone, and other materials for embankme
and structures necessary to the construction and repair
said road, doing however no unnecessary damage; and
lands so acquired, and all damage which shall be done
any lands or property, under the provisions of this secti
shall be ascertained and paid for in the manner and ag
ably to the provisions hereinafter provided; and wh
such damages shall have been paid for or tendered, t
easement of such land so valued and taken, shall vest
said company so long as the same is used for the track
said rail road, depot buildings, station houses, and fixtu

How damages settled.

Sec. 12. When the said corporation cannot agree wi
the owner or owners of such required land for the purch
thereof, or as to the compensation to be paid therefor,
when by reason of the legal incapacity or absence of a
such owner or owners, no such agreement or purchase c
be made, then and in that case it shall be lawful for t
judge of the circuit court of the county, on application
either party, and at the cost and charge of the said com
ny, to appoint three disinterested persons residing in s
county, whose duty it shall be to view and examine
survey said lands, with the buildings and improvemen
if any thereon, and to estimate the value of the land
taken or required by the said company, and all damag
which the owner or owners thereof shall sustain or m
have sustained by reason of the taking of the same for t
construction and use of said road or works appertaini
thereto, taking into consideration the advantages as w
as the disadvantages of the same to the said owner or ow
ers; and the persons so appointed before entering up
the discharge of such duties, shall take an oath befo
some justice of the peace or person competent by la
to administer oaths, faithfully, and according to t
best of their abilities to examine the land so taken or r
quired by said company, and impartially to estimate an
appraise the value of the same, and the damage or inju
which the owner or owners thereof shall have sustained
may sustain by reason of the taking and using thereof b
the said company, over and above the benefits and adva
tages which such owner or owners shall derive from th
construction of such rail road; whereupon such commi
sioners shall proceed to examine the premises and estima

the value of such land, and the amount of damages, if any, over and above the benefits and advantages which may accrue to such owner or owners, as aforesaid, and shall make a report in writing of such valuation, under their hands and seals, to the said judge, and shall return the same within thirty days after their appointment to the clerk of the circuit court of the county in which they reside, and it shall be the duty of the said clerk to file the same, and in case no appeal shall be made within thirty days after the filing of said reports as hereinafter provided, then the said clerk shall record the same at the expense of the said company, and judgment of the said court shall be entered thereon, on motion of either party, at any term of said court: *Provided*, That either party may appeal to said court within thirty days after said report shall have been filed in the clerk's office; and such appeal shall be tried in the same manner as other issues are tried in said court, and the jury empannelled to try the same shall find the value of the land so taken or required by said company, and the damages which the owner or owners thereof shall have sustained, or may sustain by the taking of the same, over and above the benefits which will accrue to such owner or owners from the construction of such rail road, and judgment of court shall be entered accordingly: *Provided also*, That it shall not be lawful for the said commissioners or said court to proceed in the assessment of damages, or in the valuation of any lands or materials, as aforesaid, in the absence of the owner or owners thereof, his, her, or their agents or attorneys, unless it shall be shown to them by competent testimony that the said owner or owners have had at least five days' notice of the time and place at which such assessment or valuation was to be made or that the said owner or owners are absent from the state of Wisconsin; and if the said owner or owners shall be minors, or *non compos mentis*, or absent from the state, the service of notice may be made on the guardian or trustee, if there be any, or in such manner as the court may direct: *Provided also*, That upon the making and filing of any report as aforesaid, and payment or legal tender of the amount of any valuation or appraisal specified therein to the owner or owners of any such lands, his, her, or their legal representatives, the said company, their agents, or the contractor for making or repairing said road, may immediately take and use the same without awaiting the issue of any appeal brought thereon. Proviso.

Sec. 13. Whenever any judgment shall have been entered as hereinbefore provided, for the value of any lands

Company entitled to easement of lands.

or for any damages for the taking and using of the same, and the amount specified in such judgment shall have been paid or tendered to the owner or owners of such lands, his, her, or their legal representatives, the said company shall be entitled to the easement of the same as fully as if it had been conveyed by deed, and if such valuation be not received when tendered, it may at any time thereafter be received, or may be collected from said company by action at law, at the cost and expense of the person or persons entitled to the same: *Provided*, That the cost of any proceedings and judgments specified in the last preceding section shall be taxed by the court and paid by said company, except in cases where upon appeal, the verdict of the jury shall be for the same or a less sum than that reported by the commissioners.

Proviso.

Rail road not to impede highway.

Sec. 14. The said rail road shall be so constructed as not to impede or obstruct the free use and passage of any public road or roads which may cross the same; and in all places where such rail road may cross, or in any way interfere with any public road, it shall be the duty of said company to make or cause to be made a sufficient causeway or passage-way to enable all persons traveling such public road, to pass over or under such rail road without inconvenience: *Provided*, That in cases where said rail road may cross or come in contact with any public or private road, so as to occupy any part of such road, it shall be lawful for said company to construct said rail road across or upon such road, after altering and putting the same in as good condition as before; and for that purpose the said company shall, previous to occupying any part of such road, construct a new road in part or in whole, as may be necessary, on ground adjacent to such road, and in every respect complete such newly constructed road or part of a road so interfered with, as substantially as it was previous to the disturbance and occupancy thereof by said company.

Proviso.

To make passage way for farms.

Sec. 15. For the convenience of persons owning or possessing lands through which said road shall pass, it shall be the duty of said company when required, to make a good and sufficient passage over or under said rail road, whenever the same may be necessary to enable the occupants of said lands to pass over or under the same with wagons, carts, and implements of husbandry, as occasion may require: *Provided*, That said company shall in no case be required to make more than one such passage-way for each farm; and when any public road shall cross said rail road in any farm, the person owning or possessing such

Proviso.

farm shall not be entitled to require said company to make any additional causeway.

To make dividend.

Sec. 16. So soon as the net profits accruing and received from the use of said road or part thereof, according to the provisions of this act, shall exceed six per cent. upon the amount of said capital stock paid in, the directors of said company shall make a dividend of such net profits among the stockholders in proportion to their respective shares.

Public act.

Sec. 17. This act shall be construed favorably to effect the purposes hereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state of Wisconsin shall be received as evidence thereof.

Penalty for damage to road.

Sec. 18. Any person who shall willfully and maliciously place any obstruction or thing upon the track of said road, remove or damage any part thereof in such a manner that the engine or cars may be impeded or thrown off the track, shall be guilty of a misdemeanor, whether such result shall happen or not, and shall be punished for every such offence by imprisonment in the state prison for a term not less than one nor more than five years, at the discretion of the court; and in case any damage shall result from the placing such obstructions or injury to said road, said party shall be liable to pay all such damage to said company and to any person damaged or injured thereby; and in case any accident shall happen in consequence of placing such obstruction, or in consequence of such willful and malicious removal and damage of any part of said road, whereby death may be produced, the party so offending shall be adjudged guilty of murder in the first degree, and shall be punished agreeably to the law in such cases made and provided.

Authorized to borrow money.

Sec. 19. The said rail road company are hereby authorized and fully empowered in their corporate name and capacity, to borrow any sum or sums of money from any person, corporation, or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company and any person or party of whom such may be obtained, and make and execute in their corporate name all necessary writings, notes, drafts, bonds, or other papers, and make, execute, and deliver such securities in amount and kind, as may be deemed expedient by said corporation, any law on the subject of usury in this state or in any other state where such contract may be made to the contrary notwithstanding; and the powers of said corporation for the purposes aforesaid, and for all purposes

necessary to carrying out the object of said co
namely, the construction of a rail road from Fond
in the county of Fond du Lac, via Beaver Dam, Col
to Madison in the county of Dane; and the contra
official acts of said company are hereby declared
in law and equity upon said corporation, and all otl
ties to said contracts.

Sec. 20. This act shall be in force from and
passage, and it shall be lawful for said company
chase lands adjoining or adjacent to said rail road
May puchase lands purpose of procuring earth, gravel, stone or other m
for the construction and repair of said road or bu
and fixtures therewith, and whenever such lands s
longer be needed for the purpose aforesaid, the sa
pany are hereby authorized to sell and convey the

J. McM. SHAFTER,
Speaker of the Asse
TIMOTHY BURNS,
Lt. Governor and President of the Se
Approved, March 23, 1852.
LEONARD J. FARWELL.
[*Published, April 2,*

Chap 138 An Act to incorporate the Marquette and Columbus plank and turnpike roa

The people of the State of Wisconsin represe
Senate and Assembly, do enact as follows:

Section 1. M. W. Seeley, J. C. Potter, J. H. Co
Samuel McCracken, D. M. Green, J. S. Barnes,
C. Snow, D. W. Akin, and G. B. Worth, of the co
Marquette, and S. Whiting, of the county of Co
and such other persons as shall associate with the
become stockholders pursuant to the provisions of
Created a body corporate. shall be and they are hereby created a body corpor
politic, in fact and in name, by the name and styl
Marquette and Columbus Plank Road and Turnpik
pany, with perpetual succession, and by that nam
have all the privileges, franchises, and immunities i
to a corporation, to wit: they shall be capable in
purchasing and conveying estate, either real, pers
mixed, and in their corporate name may contract
contracted with, sue and be sued, plead and be imp
Powers. may have and use a common seal, and alter the s
pleasure, and generally may do all and singular su
ters and things which they are authorized by law to
the interest and well being of said company,

Commissioners to call meeting

Sec. 2. The persons named in the first section of this act, or a majority of them, shall be commissioners to open books and receive subscriptions to the capital stock of said company, at such times and places as they may deem expedient; and whenever the amount of four thousand dollars of such stock shall be subscribed for and one dollar per share paid thereon, said commissioners shall call a meeting of the stockholders of said company, by giving at least twenty days' notice thereof in one newspaper published in each of the counties of Marquette and Columbia, for the purpose of electing nine directors of said company, who shall proceed to elect one of their number president; and annually thereafter the said stockholders shall meet on the second Monday in May for the purpose of electing directors as aforesaid, upon like notice to be given by the president and secretary: *Provided*, That if no election, should be held upon such notice at the time specified, the directors of the preceding year shall hold over and act until their successors are elected and qualified, at the next annual election; and in case of any vacancy, a majority of the board may fill the same by appointment until the next annual election thereafter.

Proviso.

Affairs to be managed by board of directors.

Sec. 3. The business of the company shall be managed by a board of nine directors who shall be stockholders, and shall be chosen annually by ballot by the stockholders, and shall serve until others are elected in their stead. The vote may be given in person or by proxy duly authorized. The directors may make such by-laws, rules and regulations, not inconsistent with the constitution and laws of this state, as may be necessary for the well being of the company, and a majority of said directors shall constitute a quorum for the transaction of business. In the absence of the president the board may appoint a president *pro tem.* They may also appoint such other officers and engineers as they may deem necessary, and fix their salaries or compensation, and may demand adequate security for the faithful performance of their respective duties. They shall have power to determine the time and manner in which stockholders shall pay installments of money or labor on their subscriptions, not exceeding twenty per cent. at any one requisition, and to forfeit to the use of the company the stock of any person failing to pay any installment within a reasonable time, not less than thirty days after the same may be called for. The commissioners, until a board of directors are chosen, shall constitute the board of directors for the company, with all the powers herein conferred on said board of directors and may appoint such officers as

they may deem necessary, the president being
their number, and shall issue certificates of stock to
subscribing therefor; said certificates to be signed
secretary and countersigned by the president, a
subject to all the payments due and to become due t
which certificates shall be transferable in such ma
may be prescribed by the by-laws of the company.

Capital stock. Sec. 4. The capital stock of said company s
thirty thousand dollars, and shall be divided into s
twenty dollars each. Each stockholder shall be en
one vote for each and every share of stock he or sh
hold, and any person may subscribe to pay his or h
in labor or materials upon said road, under the sup
and direction of the board of directors: *Provided*
That one dollar per share in cash be paid at the
subscribing.

Sec. 5. The said company shall have power t
and construct a plank road, or road partly of pla
May locate road. partly of gravel or other materials, commen
the village of Marquette, in the county of Marque
terminating in the village of Columbus, in Columbi
ty; the route of said road to be determined by th
of directors, and to be on the cheapest and most fa
ground, and as direct as the interest of the compa
warrant. Said directors shall have power to constr
road along and upon any highway now or hereaf
out and established, and of such width as the said
shall determine; but the surface or arch of said roa
in all places, be of sufficient width for two teams
conveniently, though it shall be at the option of th
tors, wherever the road shall be constructed of pl
lay one or two tracks, as they may deem best for th
est of the company.

Sec. 6. It shall be lawful for said company, their
and agents, to enter upon any lands for the purpos
May enter upon lands. ploring, surveying, and locating the route of sa
doing thereto no unnecessary damage; and when sa
shall be determined or fixed by the company, it s
lawful for them, their officers, agents, engineers,
tors, and servants at any time to enter upon and t
session of and use such lands to the width of four r
also to take from any lands adjoining said road,
stone, or earth, for the purpose of constructing or re
said road, subject, however, to such compensatio
company may have agreed to pay therefor, or as s
ascertained in the manner hereinafter directed a
vided.

Sec. 7. Whenever it shall be necessary for said company to enter upon and occupy, for the purpose of constructing said road, any land upon which the same may be located, or to take from such lands or the lands adjoining said road, any gravel, stone, or earth, for the purpose of said road, and the owner or owners of the same shall refuse to permit such entry or occupation or taking, and the parties cannot agree upon the compensation to be made for the injury done to such land, it shall be lawful for the parties to appoint three disinterested persons to estimate such damages, who shall be sworn to fairly and impartially estimate the same, and who shall reside in the county where the land lies. The expenses of such appraisal shall be paid by the company. But if the parties cannot agree upon such persons, or if the persons thus chosen cannot decide upon the matter, or if the owner of the land refuse or neglect to join in such appointment within twenty days after notice for that purpose, or if such owner shall be under legal disability or out of the state, then and in either case it shall be lawful for the judge of the circuit court of the county in which such lands lie, upon application of either party, and at the cost of the party making such application, to appoint three disinterested persons of the same county to view the land and estimate the damage done thereto. The said appraisers shall, as early as practicable, report under oath, to the circuit court of the county, the amount of damages sustained by such party by reason of such entry and taking aforesaid; which report being confirmed by the court, judgment shall be rendered therefor. The said appraisers shall be allowed each one dollar per day for their services by the company in all cases where said damages exceed the amount offered by said company previous to the appraisal, or by the other party, when the sum awarded does not exceed the sum offered by the company. The said appraisers shall, in all cases, take into consideration, in estimating damages, the benefits accruing to the persons claiming such damages in consequence of the building of said road. Upon payment to the owners of said lands of the sum specified in the report of said appraisers, or upon depositing said sum with the clerk of the circuit court of said county, for the benefit of said owners, the said company may immediately enter upon, occupy, or take from said lands, as hereinbefore provided.

How damages settled.

Sec. 8. The said company may erect toll gates and demand and receive toll from all persons traveling on said road, whenever five consecutive miles are finished, or when the whole road is completed. The tolls on said road shall

Rates of toll

not exceed the following rates per mile to wit: for every vehicle, sled, sleigh, or carriage drawn by one or two animals, two cents; and if drawn by more than two, one cent per mile for each additional animal; for every horse and rider or led animal, one cent per mile; for every score of neat cattle, four cents per mile; for every score of sheep or swine, two cents per mile.

Sec. 9. Each toll gatherer may detain and prevent from passing any gate on said road all persons riding, leading, or driving animals or carriages subject to toll, until they have paid as authorized by this act, and any person who shall forcibly or fraudulently pass any toll gate erected on said road pursuant to this act without having paid the legal toll, and any person who, to avoid the payment of legal toll, shall, with his horse or carriage, or other vehicle or animal or animals liable to toll, turn out of such road, or pass any gate thereon or land adjacent thereto, and enter again upon said road, shall, for each offence be liable to a fine not exceeding ten dollars, to be recovered in any court having jurisdiction thereof.

Penalty for evading toll.

Sec. 10. If any person shall willfully and maliciously obstruct, break, injure, or destroy said road, or any part thereof or any work, building, or fixture, attached to or in use upon the same, belonging to said company, such person so offending, shall be, for every such offence, liable for the recovery of damages to the company, and shall also be subject to indictment, and upon conviction shall be punished by fine and imprisonment, or either, at the discretion of the court.

Penalty for damage to road.

Sec. 11. The directors of said company, or a majority of them, at any meeting of said board called for that purpose, may provide for such increase of capital stock of said company as may be deemed necessary in order to complete said road: *Provided*, The capital stock of said company shall in no case exceed the sum of fifty thousand dollars.

May provide for increase of capital stock.

Sec. 12. This act shall be favorably construed to effect the purpose hereby intended, and to take effect from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, March 23, 1852.
LEONARD J. FARWELL.

[*Published, March* 25, 1852.]

An Act to appropriate to Peter Bennett the sum therein named. **Chap 139**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to Peter Bennett the sum of fifty dollars in full for services and expenses in conveying and delivering Alexander McCarty, a state prisoner, into the custody of John Taylor, keeper of the state prison, to be paid out of any money in the treasury not otherwise appropriated.

J. McM. SHAFTER.
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, March 23, 1852.
LEONARD J. FARWELL.

An Act to appropriate to J. and W. H. Cary the sum therein named. **Chap 140**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to J. and W. H. Cary the sum of eighty-six dollars and fourteen cents, in full for clothing furnished state prisoners for the year 1851, to be paid out of any money in the treasury not otherwise appropriated.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved March 23, 1852.
LEONARD J. FARWELL.

An Act to authorize Jonathan Whitney and his associates to build and maintain a bridge across Fox river at Port Hope, Columbia county. **Chap 141**

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Section 1. Jonathan Whitney, his associates and assigns, shall have power to build and maintain a bridge across Fox river on any land owned by them at Port Hope on sections number three and four, town thirteen, range nine, in the county of Columbia. Authorized to build bridge.

Sec. 2. Said bridge shall not be less than twelve feet wide, and shall be constructed with a draw over the channel of the river not less than fifty feet wide, which shall be Dimensions of bridge.

opened at all times for the passage of boats, rafts, ar
er crafts free of charge and without unnecessary del

Rates of toll.

Sec. 3. The said grantees shall after the comple
said bridge, have power to demand and collect to
passing over the same, as follows: for any vehicle
by one horse, ten cents; for any vehicle drawn b
horses or oxen, twenty cents, for each additional hor
cents; for foot passengers three cents; for all anir
droves, three cents each: *Provided*, That hogs and
shall not be charged more than two cents per head.

Sec. 4. The legislature may at any time amend
peal this act.

J. McM. SHAFTER,
Speaker of the Assem
TIMOTHY BURNS,
Lt. Governor and President of the Sen
Approved, March 23, 1852.
LEONARD J. FARWELL.

Chap 142

An Act to provide for the removal of the county seat of Marquette coun

The people of the State of Wisconsin represen
Senate and Assembly, do enact as follows:

May vote for removal of county seat to Montello

Section 1. That at the annual town meeting to b
in the county of Marquette on the first Tuesday of
A. D. 1852, the legal voters of said county shall
are hereby authorized to vote for the removal of the
seat of said county, to the village of Montello in said
ty; and if a majority of all the votes cast on that s
at such town meeting shall be in favor of such remo
said county seat to said village of Montello, then sa
lage of Montello shall be the permanent county seat
county.

May vote for removal to Princeton.

Sec. 2. If a majority of all the votes cast on tha
ject shall not be in favor of such removal of said
seat to said village of Montello, then it shall be law
the legal voters of said county of Marquette to vote
first Monday of September in the year 1852, for the
val of the county seat of said county to the village of
ceton in said county, and the votes cast on the subj
such removal of said county seat on said first Mon
September, shall be received by the inspectors of ele
in the several towns of said county, at polls to be o
by them for that purpose at the places where the p
the last preceding elections were held, and the ele
mentioned in this section shall be conducted in the m

ed by law for conducting general elections; and if
ority of all the votes cast on the subject of such re-
of said county seat shall be in favor of the removal
same to said village of Princeton, then said village
nceton shall be the permanent county seat of said
.

3. The votes cast on the subject of the removal of
unty seat as above provided shall be by ballot, and
be returned and canvassed in the same manner as
ast at elections for county officers, at the town meet-
ove mentioned, to be holden on the first Tuesday in Form of ballots.
1852; said ballots shall have written or printed on
or partly written and partly printed, the words "For
al to Montello," or the words "Against removal to
llo;" and at the election to be holden in said county
first Monday of September, 1852, as above provided,
allots shall have written or printed on them, or partly
n and partly printed, the words, "For removal to
ton," or the words, "Against removal to Princeton."

4. All persons residing on the west side of Fox Where certain electors to vote.
n said county of Marquette, and qualified to vote at
eral election, are hereby authorized to vote on the
on of removal of said county seat as above provided,
polls that shall be held nearest to their residence,
e oath to be administered to such voters in case of
nge, shall be so varied as to agree with the provis-
this section.

5. It shall be the duty of the clerk of the board of Clerk of the Supervisors to publish result.
isors of said county of Marquette, immediately after
nvassing of the votes for and against the removal of
unty seat to said village of Montello, to publish the
of the same in some newspaper printed in said coun-
in some one of the newspapers printed in Madison.
a majority of said votes shall not have been given
removal of said county seat to the said village of
llo, then it shall be the further duty of said clerk,
liately after the canvassing of the votes that shall be
r or against the removal of said county seat to said
of Princeton as above provided, to publish the re-
the same in some newspaper printed in said county,
ome one of the newspapers printed in Madison.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.

proved, March 23, 1852.
LEONARD J. FARWELL.

[*Published, March* 24, 1852.]

Chap 143 An Act to appropriate to James S. Alban the sum therein named.

The people of the State of Wisconsin represent Senate and Assembly do enact as follows:

Section 1. There is hereby appropriated to Jam Alban out of any money in the state treasury not othe appropriated, the sum of forty-seven dollars and e seven cents, in full for horse and carriage hire and e ses to Oshkosh, on committee in pursuance of a joint lution of the legislature of Wisconsin, passed Februa 1852.

J. McM. SHAFTER,
Speaker of the Assem
TIMOTHY BURNS,
Lt. Governor and President of the Sen
Approved, March 23, 1852.
LEONARD J. FARWELL.

Chap 144 An Act to appropriate to Cary & Rounds the sum therein named.

The people of the State of Wisconsin represent Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to Ca Rounds the sum of twenty-six dollars and twenty-five in full for publishing in the Commercial Advertis order of the secretary of state, "proposals for prin issued in the year 1851.

J. McM. SHAFTER,
Speaker of the Assem
TIMOTHY BURNS,
Lt. Governor and President of the Sen
Approved March 23, 1852.
LEONARD J. FARWELL.

Chap 145 An Act to appropriate to Baxter & Barron the sum therein named.

The people of the State of Wisconsin represent Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to Bax Barron the sum of forty-five dollars and seventy-five in full for publishing in the Waukesha Democrat, year 1851, a notice to owners of canal lands, notice of cial election, an act submitting the question of "ba

nks," enrollment notice from adjutant general, and ant general's orders, numbers two and three.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.

proved, March 23, 1852.
LEONARD J. FARWELL.

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t to cede to the United States the control and jurisdiction over certain lands therein described.

Chap 146

e people of the State of Wisconsin represented in e and Assembly, do enact as follows:

TION 1. The state of Wisconsin doth hereby cede United States of America, full and complete control urisdiction over lot number three, (3,) in section num- venty-one, (21,) in township number thirty, (30,) north ge number twenty-eight, (28,) east, in the state of onsin, for the purpose of improving the same by ng a light house thereon, or for any other purpose, he said tract of land is hereby forever exempted from on, so long as the same shall continue the property of nited States of America.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.

proved, March 23, 1852,
LEONARD J. FARWELL.

[*Published April* 6, 1852.]

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n Act to appropriate to B. F. Hopkins the sum of money therein named.

Chap 147

e people of the State of Wisconsin, represented in te and Assembly, do enact as follows:

TION 1. There is hereby appropriated to B. F. Hop- out of any money in the state treasury not otherwise propriated, the sum of eighteen dollars and twenty-five , in full for telegraphing for sheriff of Dane county on business, up to December 25, 1851.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.

proved, March 23, 1852.
LEONARD J. FARWELL.

Chap 148 An Act to appropriate to Samuel W. Beall the sum therein named.

The people of the State of Wisconsin represen
Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Samu
Beall out of any money in the state treasury not oth
appropriated, the sum of forty-nine dollars and seven
cents, in full for costs in the following entitled suits,
State vs. John Gaffnay, Joseph R. Moore vs. the State
vs. Wisconsin Marine and Fire Insurance Company,
vs. Wm. T. Richmond, and State vs. Blossom, Al
Chandler, to March 1, 1852.

J. McM. SHAFTER,
Speaker of the Assem
E. B. DEAN, JR.,
President pro tem. of the Sen

Approved March 24, 1852.
LEONARD J. FARWELL.

Chap 149 An Act to incorporate the Madison and Prairie du Chien Rail Road Comp

The people of the State of Wisconsin represen
Senate and Assembly, do enact as follows:

Commissioners. SECTION 1. That H. L. Dousman, E. W. Pelton, Clark, B. W. Brisbois, John Thomas, and Wiram K ton, of the county of Crawford, and E. B. Dean, Jr., ibald Treadway, Elisha Burdick, A. A. Bird, and S Mills, of the county of Dane, be and they are hereb pointed commissioners, under the direction of a majo whom, subscriptions may be received to the capital st the Madison and Prairie du Chien Railroad Com hereby incorporated; and they may cause books opened at such times and places as they may direct, f purpose of receiving subscriptions to the capital st said company, first giving thirty days' notice of the and places of taking such subscriptions by publishin same weekly in a public newspaper printed i county of Dane, and also in one printed in the coun Crawford.

Created a body corporate. SEC. 2. The capital stock of said company shall b hundred thousand dollars, in shares of one hundred d each; and as soon as one thousand shares of stock sh subscribed, and five dollars on each share actually pa the subscribers of such stock, with such other perso shall associate with them for that purpose, their succe and assigns, shall be and they are hereby declared and

body corporate and politic, by the name and style of Madison and Prairie du Chien Rail Road Compa- with perpetual succession, and by that name shall all the privileges. franchises, and immunities in- to a corporation. They shall be capable in law of pur- g, holding, selling, leasing, and conveping estate, ei- al, personal or mixed, as far as the same may be ne- y for the purposes hereinafter mentioned and no fur- and in their corporate name may sue and be sued, ave a common seal, which they may alter and renew asure, and generally may do all and singular the s and things which to them it shall lawfully apper- do for the well being of the said corporation.

3. The said commissioners, or a majority of after the said one thousand shares of stock shall been subscribed as aforesaid, shall give at least thir- s' notice in the newspapers hereinbefore mentioned, time and place by them appointed for the subscri- r stockholders to meet, for the purpose of electing directors; and annually thereafter, the said stock- s shall meet on the first Monday in July, for the e of electing directors as aforesaid, upon a like pre- notice to be given as aforesaid: *Provided*, That ns to the first election, the commissioners hereinbe- amed shall elect one of their number president, and hall perform all the duties and be invested with all wers of directors: *And provided*, That if from any an election shall not be held at the regular time spe- ed therefor, the same may be held at any other time ce as aforesaid; that until such election, the direc- the preceding year shall continue to act, and this r shall not be avoided by reason of the irregularity t of such election. Commissioners to call meeting.

4. The affairs of said corporation shall be managed oard of nine directors, who shall be chosen annu- ballot, on the days hereinbefore prescribed, by ockholders of said company, the votes to be de- d in person or by proxy duly authorized; which di- s shall appoint one of their own number to be presi- and shall respectively serve for one year, or until oth- ectors be elected; they shall have power to make tablish such by-laws, rules, orders, and regulations, consistent with the constitution and laws of the Uni- ates and of the state of Wisconsin as may be neces- or the well ordering of the affairs of said company. Board of direc- tors.

5. None but stockholders shall be elected direc- nd at every election and in all other cases upon which

Each share entitled to one vote

stockholders shall be called upon to vote, each share of stock shall be entitled to one vote, and in all cases of elections of directors, the nine stockholders having the greatest number of votes shall be declared duly elected.

When directors to meet.

Sec. 6. The said directors shall meet at such times and places and be convened in such manner as they may hereafter decide upon. Five directors shall be a quorum for the transaction of business, who, in the absence of the president, shall appoint a president *pro tem.* The said directors shall appoint a secretary, treasurer, and such engineers and other officers as they may find necessary. They shall have the full power to fix the compensation of all the officers and may demand adequate security for the performance of their respective trusts. They shall decide the time and manner and proportions in which the said stockholders shall pay the money due on their respective shares, and forfeit to the use of the company the share or shares of every person or persons failing to pay any installment so required, at a reasonable period not less than thirty days after the time by them appointed for the payment thereof; they shall have full power to regulate tolls, to make such covenants, contracts, and agreements with any person, co-partnership, or body politic whatsoever, as the construction and management of the works, and convenience and interests of the company may require, and in general to superintend and direct all the operations, receipts, disbursements, and other proceedings of the company: *Provided*, That no installment called in at any one time, shall exceed twenty dollars per share, and that no installment shall be called by the directors, without at least sixty days' notice thereof in the newspapers hereinbefore mentioned.

Proviso.

Directors to issue certificates.

Sec. 7. The directors chosen as aforesaid shall issue a certificate to each stockholder for the number of shares he or she may subscribe for or hold in said corporation, signed by the president, countersigned by the secretary, and sealed with the common seal.

To exhibit statement.

Sec. 8. At each annual meeting of the stockholders for the purpose of electing directors, the directors of the preceding year shall exhibit to them a complete statement of the affairs and proceedings of the company for such year; and special meetings of the stockholders may be called by order of the directors, or by stockholders holding one-fourth in amount of the capital stock, on like notice as that required for annual meetings, specifying, moreover, the objects of the meeting; but no business shall be trans-

such special meeting unless a majority in value of kholders shall attend in person or by proxy.

9. The said company shall have power to locate struct a single or double track railroad from such point in the town of Madison, in Dane county, to igible point in the town of Prairie du Chien, in d county, as shall be determined on by a vote of ckholders holding a majority of the stock of said y, at a special meeting called for the purpose of fix- location or termination of said road, and shall have o transport, take, and carry property and persons e same, by the power and force of steam, of ani- of any mechanical or other power, or of a combi- f them, and they shall also have power to make, t, and erect all such side tracks, turn-outs, and con- tracks, and all such ware houses, toll houses, ma- ops, carriages, cars, and other works and appen- s may be necessary for the convenience of the com- the use of said railroad, and also to connect said l and operate the same with other rail roads and rail roads in the state of Wisconsin, at any point he limits of the counties of Dane and Crawford, ny counties intermediate. Route of road.

10. If said corporation shall not within five om the passage of this act commence the construc- aid rail road, then the rights, privileges, and powers corporation under this act, shall be null and void. How charter forfeited.

1. It shall and may be lawful for said company, their engineers, and agents to enter upon any land for ose of exploring, surveying, and locating the route ail road, doing thereto no unnecessary damage, and e said route shall be determined by the said com- shall be lawful for them, their agents, officers, en- contractors, and servants, at any time to enter up- possession of, and use such lands, not exceed- rods in width along the line of said route, sub- wever, to the payment of such compensation as the y may have agreed to pay therefor, or shall be as- d in the manner hereinafter directed and provided cases respectively. May enter upon lands.

12. When the said corporation cannot agree with er or owners of such required land for the purchase or as to the compensation to be paid to the owner rs of any land for the purpose aforesaid, or when on of the legal incapacity or absence of any ner or owners, no such agreement or purchase can e, then and in any such case it shall be lawful for the How damages settled.

judge of the circuit court of the county in which such lands are situated, on application of either party, and at the cost and charge of such corporation, to appoint three disinterested persons in such county, whose duty it shall be to view and examine or survey said lands, with the buildings and improvements if any thereon, and to estimate the value of the land so taken or required by the said company, and all damages which the owner or owners thereof shall sustain or may have sustained by reason of the taking of the same for the construction and use of said rail road or works appertaining thereto, taking into consideration the advantages and disadvantages of the same to the said owner or owners; and the persons so appointed before entering upon the discharge of such duties, shall take an oath before some justice of the peace or other person competent to administer oaths, faithfully, and according to the best of their ability to examine the land so taken or required by said company, and impartially to estimate and appraise the value of the same, and the damage or injury which the owner or owners thereof shall have sustained or may sustain by reason of the taking and using thereof by the said company, over and above all benefits and advantages which such owner or owners shall derive from the construction of said rail road; whereupon such commissioners shall proceed to examine the premises and estimate the value of such land, and the amount of damages, if any, over and above the benefits and advantages which may accrue to such owners, as aforesaid, and shall make a report of such valuation in writing, under their hands and seals, to said judge, and shall return the same within thirty days after their appointment to the clerk of the circuit court of the county in which they reside and it shall be the duty of the clerk to file the same and in case no appeal shall be made within thirty days after the filing of said reports as hereinafter provided, the the said clerk shall record the same at the expense of said company, and judgment of the said court shall be entered thereon, on motion of either party, at any term of said court: *Provided*, That either party may appeal to said court within thirty days after said report shall have been filed in the clerk's office; and such appeal shall be tried in the same manner as other issues are tried in said court, and the jury empannelled to try the same shall find the value of the land so taken or required by said company, and the damages which the owner or owners thereof shall have sustained, or may sustain by the taking of the same, over and above the benefits which will accrue to such

Proviso.

owner or owners from the construction of such rail road, and judgment of the court shall be entered accordingly: *Provided also*, That it shall not be lawful for the said commissioners or the said court to proceed in the assessment of damages, or in the valuation of any lands or materials, as aforesaid, in the absence of the owner or owners thereof, his, her, or their agents or attorneys, unless it shall be shown to them by competent testimony that the said owner or owners have had at least five days' notice of the time and place at which such assessment or valuation was to be made or that the said owner or owners are absent from the state of Wisconsin; and if the said owner or owners shall be minors, or *non compos mentis*, or absent from the state, the service of notice may be made on their guardian or trustee, if any there be, in such manner as the court may direct: *Provided also*, That upon the making and filing of any report as aforesaid, and payment or legal tender of the amount of any valuation or appraisal specified therein to the owner or owners of any such lands, his, her, or their legal representatives, the said company, their agents, or the contractors for making or repairing said rail road, may immediately take and use the same without awaiting the issue of any appeal brought thereon. Proviso.

Sec. 13. Whenever any judgment shall have been entered as hereinbefore provided, for the value of any lands or for any damages for taking and using the same, and the amount specified in such judgment shall have been paid or tendered to the owner or owners of such lands, his, her, or their legal representatives, the said company shall be entitled to the estate and interest in the same so long as the lands so valued and taken shall be used as the track of said rail road; and if such valuation be not received when tendered, it may at any time thereafter be received, or may be collected from said company by action at law, at the cost and expense of the person or persons entitled to the same. Company entitled to estate in lands.

Sec. 14. The said rail road shall be so constructed as not to impede or obstruct the free use and passage of any public road or roads which may cross the same; and in all places where such rail road may cross, or in any way interfere with any public road, it shall be the duty of said company to make or cause to be made a sufficient crossway or passage-way to enable all persons traveling such public road, to pass over or under such rail road without inconvenience. Rail road not to impede highway.

Sec. 15. For the convenience of persons owning or possessing lands through which said rail road shall pass, it To make passage way for farms.

shall be the duty of said company when required, to good and sufficient passage-way over or under said rai whenever the same may be necessary to enable the pants of said lands to pass over or under the sam wagons, carts, and implements of husbandry, as oc may require: *Provided*, That said company shal case be required to make more than one such passag for each farm; and when any public road shall cro rail road in any farm, the person owning or possessin farm shall not be entitled to require said company to any additional causeway.

Proviso.

May demand toll.

Sec. 16. On the completion of said rail road portion of the track not less than ten miles, it sha may be lawful for the company to demand and such sum or sums of money for passage or frei persons and property as they shall from time to time reasonable.

Penalty for damage to road.

Sec. 17. If any person shall willfully and kno break, injure, or destroy the rail road so to be const by said company, or any part thereof, or any work, ing, or machinery attached to or in use upon the sa longing to said company, such person or persons so ing shall each of them, for every such offence, forf pay a sum not exceeding three times the amount of ges caused by such offence, which may be recovered name of the said company, by action of debt in any having competent jurisdiction in the county where offence shall be committed, and shall be subject to ment, and upon conviction of such offence, shall b ished by fine and imprisonment or either, at the dis of the court.

Property liable for debts.

Sec. 18. The property of every individual inve said corporation, shall be liable to be taken in exe for the payment of his or her debts; in such manner may be provided by law: *Provided*, That all deb said company shall be first paid.

May provide for increase of capital stock.

Sec. 19. The stockholders holding a majority in of the stock may, at any annual or special meeting, in the capital stock of this company to an amount not e ing eight hundred thousand dollars.

Public act.

Sec. 20. This act shall be favorably construed to the purposes thereby intended, and the same is here clared to be a public act, and copies thereof prin authority of the state shall be received in evidence t

How charter forfeited.

Sec. 21. In case of a violation by the company of the provisions of this act, the legislature of the s

y resume all and singular the rights and privi-
granted to said company.
he said company shall have power to connect
, and operate the same with other rail roads May connect
Wisconsin, and consolidate the capital stock of road.
pany with the capital stock of any rail road
n which the roads of said companies shall in-
hall have full power to place the road of the
its capital stock so consolidated under the di-
oint board of directors of not less than nine
an fifteen, to be chosen on such terms as the
he companies consolidating their capital stock
oon.
This act shall be in force from and after its

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

March 24, 1852.
EONARD J. FARWELL.

[*Published April* 9, 1852.]

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o incorporate the Wisconsin River Plank Road Company.

Chap 150

e of the State of Wisconsin, represented in
Assembly, do enact as follows:

That E. W. Pelton, John Thomas, H. L. Commissioners
W. Brisbois, Thomas A. Savage, E. P. Wood,
te, and Alonzo Pelton, be and are hereby
nmissioners, under the direction of a majority
scriptions may be received to the capital stock
isconsin River Plank Road Company," and
se books to be opened at such times and pla-
hall direct, for the purpose of receiving sub-
the capital stock of said company, first giving
notice of the times and places of receiving
, by publishing in a newspaper printed either
y of Crawford or Grant.
ll persons who shall become stockholders pur-
provisions of this act, are hereby created a
te in law, with continual succession, by the Created a body corporate.
le of the Wisconsin River Plank Road Com-
purpose of constructing a plank road from the

southern shore of the Wisconsin river, at a point oppo
north landing of Borette's ferry, to a point at or nea
fil's mill, in Grant county, which company shall hav
er to sue and be sued in all courts, to receive by
purchase, and hold all such real and personal estate
be necessary for the construction and management
road, and the same to sell, convey, or lease, to cont
be contracted with, in all matters pertaining to the
of said road, to have and to use a common seal, an
all by-laws necessary for the government of said co

Capital stock.

SEC. 3. The capital stock of said company shall
ceed five thousand dollars, to be divided into sh
twenty dollars each, and shall be assignable and tra
ble in such manner as shall be prescribed in the b
of said company.

SEC. 4. Whenever two thousand dollars of the
stock shall be subscribed, and fifty per cent. there
to said commissioners, for the use of said company,

Commissioners to call meeting

be the duty of said commissioners named in this
call a meeting of the stockholders at such time and
as they shall designate by giving public notice ther
newspaper published in either Grant or Crawford co
the purpose of choosing three directors for said co
and the persons then chosen shall be the first dir
said company and shall hold their office for one y
until others are chosen in their place. The board o
tors shall choose one of their own number president
company, who shall hold his office one year and u
successor is elected. At every election of said co
each stockholder shall be entitled to one vote for
share of capital stock he shall hold, and may vote
son or by proxy.

SEC. 5. The company, when organized, sha
the power to construct a single or double trac

May locate road.

road between the points mentioned in the second se
this act, or any part of the distance, and may con
same with any other plank road. The track of sa
shall be constructed of timber and plank, stone, or
or partly of each, so as to have a hard, smooth, a
surface. The particular manner of building said
be determined by the said board of directors.

SEC. 6. The location of the route of said road s

May locate road on highway.

determined by the board of directors of said co
and if the same be located on any public highwa
shall have power to contract with the proper autho
the town in which said road may be, for the right
said highway for the purposes of said road, and t

orities are hereby authorized to grant to said
right to use said highway in their town afore-
terms as they may agree upon.

t shall and may be lawful for said company, May enter upon lands.
, engineers, and agents, to enter upon any lands
se of exploring, surveying, and locating the
d road, doing thereto no unnecessary dam-
ting any such route through any orchard or
out the consent of the owner thereof, nor
buildings or any fixtures for the purpose of
ufactures, or any yard or enclosures necessa-
and enjoyment thereof, without permission
ners, and when the said route shall be deter-
e said company, it shall be lawful for them,
agents, engineers, contractors, and servants,
to enter upon, take possession of, and use
the width of four rods; and also to take from
djoining said road, gravel, stone, earth, or oth-
the purpose of constructing or repairing said
t, however, to the payment of such compen-
company may have agreed to pay therefor, or as
ded by any court of competent jurisdiction.

The directors of said company may appoint a
reasurer, and such other officers as they may
ry, and shall have full power to decide the
nner and proportions in which said stockhold- May appoint officers.
y the money due on their respective shares,
t to the use of said company any share or
by any person or persons failing to pay any
o required to be paid, after advertisement of the
eriod of not less than thirty days in a newspa-
before provided.

The directors, elected as aforesaid, shall
ficate to each stockholder for the number of
they shall subscribe for or hold in the said To issue certificates.
gned by the president, countersigned by the
d sealed with the common seal, subject how-
he payments due and to become due thereon,
may be transferable in person or by attorney,
administrators, guardians, or trustees, under
ions as may be provided in the by-laws of the

At each annual meeting of the stockholders To make exhibit
se of choosing directors, the directors of the
ear shall exhibit to the meeting a complete
the affairs and proceedings of the company
; and special meetings of the stockholders may

be called by the directors, or by any number of sto
ers holding one-fourth in amount in capital stock
company, on like notice as required for annual me
but no business shall be transacted at such special m
unless a majority in value of all the stock shall th
there be represented.

Rates of toll.

SEC. 11. On the completion of said road the co
may erect one toll gate thereon, and may demand
ceive such tolls as from time [to time] they think reas
not exceeding fifteen cents for any vehicle drawn
animal; twenty cents for any vehicle drawn by t
mals; five cents for every additional animal; for
horse and rider, ten cents; for sheep and swine, tw
each; for neat cattle, five cents for the whole dist

Penalty for damage to road.

SEC. 12. If any person shall willfully or knowin
struct, break, injure or destroy the road so to be co
ed by said company, or any part thereof, or any
fixtures attached to or in use upon the same belon
the said company, such person or persons so offendi
each of them, for every such offence be liable to
suit for the recovery of damages by said company
court having competent jurisdiction in the county
the offence shall have been committed, and shall
subject to indictment, and upon conviction of such
shall be punished by fine and imprisonment, or e
the discretion of the court.

Property liable for debts.

SEC. 13. The property of every individual whi
be invested in said corporation, shall be liable to b
in execution for the payment of his or her debts,
manner as is or may be provided by law: *Provid*
all debts due said company from such individuals
first paid.

Maximum of debts.

SEC. 14. The debts and liabilities of said
tion shall not exceed in amount at any one time
cent. of its capital actually paid in, and if debts
bilities shall at any time be incurred to a greater
than by this section is provided for, the directors
company shall be jointly and severally indiuidual
for such excess, in addition to their other liabilities
vided for in this act.

May provide for increase of capital stock.

SEC. 15. The directors of said company may,
annual or special meeting of the stockholders, w
consent of a majority in amount of said stockholde
vide for such increase of the capital stock of said c
to complete said road.

SEC. 16. If said company shall misuse or abuse
the privileges hereby granted, the legislature n

singular the rights and privileges vested How charter forfeited.
y by this act, and may establish rules and
the government of said company in relation
d the use of the same.

e said company shall be liable for all injuLiable for injury
person may sustain by reason of the said
of repair, or any defect in said road.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Governor and President of the Senate.
March 24, 1852.
ONARD J. FARWELL.
[*Published, April 5, 1852.*]

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rate the Green Bay and Lake Superior Rail Road Company. **Chap 151**

f the State of Wisconsin represented in Senbly, do enact as follows:

That Heman B. Ely, Jonathan Child,
aine, Samuel L. Selden, Alvah Strong, John Created a body corporate.
John F. Ely, Morgan L. Martin, and Charles
gether with such other persons as may here-
associated with them as subscribers to the
this corporation in the manner hereinafter
ir successors and assigns, be and they are
a body corporate by the name of the Green
Superior Rail Road Company, and by that
and are hereby made capable in law to pur-
nd enjoy and retain to them and to their
ls, tenements, and hereditaments, so far as
ary for the purpose of said rail road, and the
rant, rent, or in any manner dispose of; to
be contracted with, to sue and be sued, im-
mpleaded, answer and be answered, defend
d, and also to have, make and use a com- How vacancy to be filled.
same to alter, break or renew at their pleas-
ther of the persons named in this section
e or neglect to execute the powers and dis-
ies hereby created, it shall be the duty of the
sons hereinbefore named, or a majority of
nt a suitable person or persons to fill such va-
cies so often as the same shall occur.

at the said corporation are hereby empow- May cause survey to be made.
such examination or surveys to be made as
ary to ascertain the most advantageous route

whereon to construct a rail road, and shall cause
mate to be made of the probable cost thereof, for ea
separately; and the said corporation shall be and
hereby invested with the rights to construct a ra
with one or more railways or tracks, from or near th
of Green Bay, in the county of Brown, on the m
ticable route to the line of the state of Michigan
direction of Iron or Marquette Bay on Lake Super

Capital stock. Sec. 3. That the capital stock of said corporati
be five hundred thousand dollars, and shall be div
to shares of fifty dollars each, and five dollars on ea
shall be paid at the time of subscribing.

To open books. Sec. 4. That the above named persons, or a ma
them, are authorized to open books for receiving s
tions to the capital stock of said company, and sh
scribe the form of such subscription; which books
opened within eighteen months from the passage
act, at such place or places as they may deem ex
by giving thirty days' notice in some newspaper
in the county of Brown, and in such other place o
as may be thought advisable, of the time and place
and places of opening said books; the said books to
open thirty days.

Commissioners to call meeting. Sec. 5. That so soon as said stock, or fifty t
dollars thereof shall have been subscribed, the
named persons, or the same number thereof, as sh
given the notice above required, shall give like n
the meeting of the stockholders to choose directors
time at least thirty days thereafter, and at some plac
the said county of Brown, and if, at such time an
the holders of one-half or more of said stock sub
shall attend either in person or by lawful proxy, th
proceed to choose from the stockholders by ballot,
rectors, each share of capital stock entitling the o
one vote; and at such election, the persons na
the first section of this act, or those appointed by
visions to fill vacancies which may have occured.
three of them, if no more be present, shall be inspe
such election, and shall certify in writing signed
or a majority of them, what persons are elected di
and if two or more have an equal number of vot
directors or inspectors shall determine by lot which
shall be directors to complete the number requir
shall certify the same in like manner; and such in
shall appoint the time and place of holding the fir
ing of directors, at which meeting, seven shall
board competent to transact all business of the co

fter a new election of directors shall be made
t such time and place as the stockholders, at
neeting, shall appoint; and if the stockholders,
t meeting, shall fail to appoint the day of such
nen it shall be holden in the succeeding year
e day of the month on which said first election
, unless the same shall be on the first day of the
hich case it shall be holden on the day next suc-
And if no election be made on the day appoint-
mpany shall not be dissolved, but such election
de at any time appointed by the by-laws of said
And directors chosen at any election, shall, as
y be thereafer, choose, of their own number,
to be president and another to be secretary of
ny, and from time to time, may choose such
rs as by their by-laws they may designate as

The directors may require payment to the sub- May require the payment of subscriptions.
the capital stock at such time, in such propor-
such conditions as they shall deem fit, under
of forfeiture of all previous payments thereon
e: *Provided*, They shall never require the pay- Proviso.
made at any place out of the counties through
rail road shall pass, nor exceeding ten per cent.
k subscribed at any one time. And such direc-
at least thirty days previous to the appointed
h required payment, give notice thereof in the
ovided in the fourth section of this act, for giving
he opening of the books of subscription for the
d company.

That the directors of said company shall have
nake, from time to time, all needful rules, regu- Powers.
l by-laws touching the business of said company
ermine the number of tracks and railways upon
and the width thereof, and the description of
which may be used thereon, to regulate the time
r in which passengers and goods shall be trans-
ereon, the manner of collecting tolls for such
ion, and to fix penalties for the breach of any
lations, or by-laws, and to direct the mode
ion of transferring the stock of said company,
ies provided for the said by-laws may be sued
person authorized thereto, in the name of said
and recovered in an action of debt before any
ng jurisdiction of the amount; and said compa-
ect and maintain toll-houses, and such other
nd fixtures as the accommodation of those using

said road, of themselves, as they may deem in any
necessary for their interest and convenience.

How damages settled.

Sec. 8. That the said company shall have the ri
enter upon any lands to survey and lay down said
not exceeding one hundred feet in width, and to tak
stone or gravel necessary for the construction of said
and whenever any lands or materials shall be taken
construction of said road, and the same shall not be
or granted to said company, the compensation to be
therefor shall be determined by three appraisers to
pointed by the circuit judge of the fourth judicial
who shall be sworn to faithfully and impartially dis
the duties of their appointment. The said appraisers
so appointed and sworn, after having given ten da
tice to said company and claimant, shall view the p
es, and may take testimony, and they or any one of
are authorized to administer oaths for that purpos
they shall render copies of their award to each of th
ties, in writing, from which award either party may
to the circuit court of the county in which such land
terials may have been situate, and appeals in such
shall, when taken, be in all respects proceeded
appeals in other cases to said court, and brough
said court by filing the award with the clerk o
court, whose duty it shall be to enter the same
docket of said court, setting down the claimant or
ants as plaintiff and said company as defendant, and
the valuation so ascertained shall be paid or ten
by said company, said company shall have the same
to retain, own, hold, and possess said lands and
rials as fully and absolutely as if the same had
granted and conveyed to said company by deed, a
as the same shall be used for the purposes of said
and the said company shall have the right to ente
any such lands to survey and construct said road,
take said materials whenever said appraisers shall
made their award, and the said company shall have
or tendered the amount of said award, without bei
ble as trespassers, and subject to be affected only
determination of the appeal when taken.

May construct road on highway

Sec. 9. That the said company may construct th
rail road across or upon any public road, highway,
of water, or water course, if the same shall be nec
but the said company shall restore such road, hig
stream of water, or water course, to its former state
near as may be, and so as not to impair the useful

ghway, or water course to the owner or to the

On the completion of the said rail road or of
of the track not less than ten miles, it shall and May demand tolls.
wful for said company to demand and re-
ums of money for the passage and freight of
property, as they shall from time to time think
Provided, That the legislature of this state
ıe right to alter or reduce the tolls, not how-
the profits of said company shall be less than
ent. upon the capital stock invested, and the
y shall annually report to the legislature, the
of said company, the amount of tolls received
unt of capital stock invested.

That all persons paying the toll aforesaid, may, Persons paying toll may travel on road.
e and proper carriages, use and travel upon
ways subject, however, to such rules and reg-
said company are authorized to make by the
ion of this act.

That so soon as the amount of toll accruing and To make dividends.
the use of said road or part thereof, according
ions of this act, shall exceed five per cent. on
of said capital stock paid in, after deducting
he expenses and liabilities of said company,
of said company shall make a dividend of
ofits among the stockholders, in proportion to
ive shares, and no accumulative fund exceed-
cent. of the profits of said company, shall re-
ded for more than six months.

That if any person or persons shall willfully
in any way spoil, injure or destroy said road,
belonging or incident thereto, or any materi-
d in the construction thereof, or any building, Penalty for damage to road.
carriage erected or constructed for the use or
thereof, such person or persons shall each be
ery such offence to treble the damages sustain-
to be recovered in an action of debt, in any court
diction of the amount.

That whenever it shall become necessary in
or construction of said road to pass through
any individual, it shall be the duty of said To construct passage ways.
provide for said individual, proper wagon-
all construct and maintain a suitable fence on
said road, wherever the same is located and
through enclosed improvements; and in case
y shall neglect to provide such wagon-ways or
ch fences, such company shall be liable to such

individual in double the amount of damages occasioned by such neglect.

Where first meeting to be held.

SEC. 15. The first meeting of said board shall be held at Green Bay, and may be called by any five of the persons named in the first section of this act, and may adjourn from time to time as the interests of said company may require, and a majority of said persons present at any meeting, shall be a quorum to transact any business authorized by this act.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, March 24, 1852.
LEONARD J. FARWELL.

[*Published April* 8, 1852.]

Chap 152

An Act to incorporate the Milwaukee Orphan Asylum.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Created a body corporate.

SECTION 1. All such persons of the female sex as now are or hereafter shall become annual subscribers to the amount of not less than fifty cents per annum, to the said association, shall be and are hereby constituted a body corporate and politic in fact and in name, by the name of "The Milwaukee Orphan's Asylum," and by that name shall have perpetual succession, and be in law capable of suing and being sued, defending and being defended in all courts and places, and in all manner of actions and causes whatsoever, and may have a common seal and change the same at their pleasure; and shall by that name and style be capable in law of purchasing, holding, and conveying any estate, real or personal, for the use of the said corporation; *Provided*, That such estate shall never be applied to any other purposes than those for which this corporation is formed.

Affairs managed by board of trustees.

SEC. 2. The estate and concerns of the said corporation shall be managed, directed, and disposed of by a board of trustees, to be composed of a first and second directress, treasurer, secretary, and twenty-four managers, to be elected by a plurality of ballots of the members resident in the city of Milwaukee, being annual subscribers as aforesaid, and present at such election, yearly, on the first Tuesday of December, at such place in said city, and at such time of the day, as the board of trustees may from time to time

or otherwise appoint, and of which public be given; and if any vacancy shall be occa- death, resignation, removal, or otherwise, of he said board, the same shall be filled for the the year by such person or persons, being an- bers as aforesaid as the board of trustees for ng, or the majority of them shall appoint; election on the first Tuesday of December, the board of trustees shall be as follows, to P. Hewitt, first directress, Mrs. B. McVickar, tress, Mrs. M. B. Taylor, secretary, Mrs. Alex- ell, treasurer, and Mrs. Thomas P. Williams, Eldred, Mrs. E. La Due, Mrs. Wm. P. Lynde, I. Byron, Mrs. G. Bonnell, Mrs. H. P. Peck, Cary, Mrs. Edward D. Holton, Mrs. P. C. James H. Rogers, Mrs. John Hustis, Mrs. S. A. F. Clark, Mrs. A. D. Smith, Mrs. Daniel J. P. Greves, Mrs. L. Kennedy, Mrs. H. Bos- Wm. P. Young, Mrs. C. Arnold, Mrs. O. H. McDougall, Mrs. M. W. Clark, managers; majority of the said board shall be requisite to iness, and in case of the non-attendance of the ectress or second directress, the members pres- oint a directress *pro tempore*.

When election not held on day fixed, may be at any other time,

If the annual election shall not be made on the he said corporation shall not thereby be dis- he members of the said board shall continue l a new election, which shall be made at such ace, and after such notice, as the said board be; and in case an equality of votes shall be ny one or more persons, as a member of the of trustees, the said board shall determine d persons shall be considered as elected, and mination shall make it lawful for such person nember of said board.

To exhibit account.

The said board shall, at least at every yearly nibit to the members of the said corporation an nt of the receipts and disbursements of the ear.

Powers of board.

The said board may from time to time, make inances, and resolutions relative to the man- d disposition of the estate and concerns of the tion, and the regulation of the persons exercis- es aforesaid, not contrary to law, and may ap- ther officers, agents, and servants, as they deem transact the business of the said corporation, te their duties; and shall have the power to

bind out by indenture such children as are or placed in said asylum, and who have neither p guardians, or whose parents or guardians are unl absent from the state.

SEC. 6. The husband of any married woman v may be a member or officer of the said corporat not be liable to the said corporation for any loss oc by the neglect or misfeasance of his wife; but i have received any money from his wife belongi said corporation, or the same shall have been a his use, he shall be accountable therefor; or if band's goods shall be attached, or if he shall hav insolvent, such money, if received after the passa act, shall be paid by the trustees or assignees in p to all other debts.

Husband not liable for neglects of wife.

SEC. 7. This charter shall be perpetual: *Pro ways*, That if the said corporation shall apply the part of their funds to any other purposes than t templated by this act, and shall be thereof in due course of law, then the said corporat cease and determine, and the estate, real and thereof, shall be forfeited to and vested in the this state: *And provided further*, That nothing i contained shall be construed to prevent the legi any time, in their discretion, from altering or repe act.

How charter forfeited.

SEC. 8. This act [shall] be and is hereby d public act, and the same [shall] be construed in and places benignly and favorably for every huma itable, and laudable purpose therein contained.

Public act.

J. McM. SHAFTER,
Speaker of the Ass
TIMOTHY BURNS,
Lt. Governor and President of the
Approved March 24, 1852.
LEONARD J. FARWELL.
[*Published, April*

Chap 153 An Act to vacate a part of Fourth Street and certain alleys in the Fourth City of Milwaukee.

The people of the State of Wisconsin repre Senate and Assembly, do enact as follows:

SECTION 1. All that part of Fourth Street ly of the south line of Fowler Street, and the alleys one hundred forty-two, one hundred forty-three

Street vacated.

; north and south through the south half of
ndred forty four, in the fourth ward in the
ıkee, is hereby vacated.
is act shall take effect from and after its

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.
March 24, 1852.
EONARD J. FARWELL.

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relation to the financial affairs of the City of Milwaukee. **Chap 154**

of the State of Wisconsin represented in ssembly do enact as follows:

The common council of the city of Milwau- Authorized to borrow money.
power to borrow on the faith of said city
ms of money not exceeding in the aggregate
unt of the delinquent taxes due from said
nty of Milwaukee and the state of Wiscon-
terest coming due on outstanding bonds of
ng the year 1852.
e said sum or sums of money shall be bor-
term or terms not less than five nor more Terms of loan.
, and at such rate or rates of interest not ex-
r cent. per annum, as said council may deem

is act shall take effect from and after its

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
March 24, 1852.
EONARD J. FARWELL.
[*Published, March* 29, 1852.]

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appropriate to Robert L. Ream the sum therein named. **Chap 155**

of the State of Wisconsin represented in ssembly do enact as follows:

There is hereby appropriated to Robert L.
n of thirty-five dollars in full for making six

charts of the Wisconsin river, by order of the Senate, and one chart of the same by order of the special committee on the subject of the Fox and Wisconsin river improvements.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.

Approved, March 24, 1852.
LEONARD J. FARWELL.

Chap 156

An Act to legalize the assessment and collection of taxes in the town of Lowell, Dodge County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Acts legalized.

SECTION 1. The tax list of the town of Lowell, Dodge county, together with the acts of the treasurer of said town in 1851 and 1852, are hereby declared to be valid and legal, to all intents and purposes, notwithstanding any informality in conducting town meeting.

SEC. 2. This act shall take effect from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.

Approved, March 24, 1852.
LEONARD J. FARWELL.

Chap 157

An Act providing for amendments of defective sureties in Judicial proceedings

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

How sureties amended.

SECTION 1. Whenever in any judicial proceedings, a bond, recognizance, or other form of surety shall by law be required to be given in any suit, such suit or proceeding shall not be dismissed by reason of any defect in such bond, recognizance, or other form of surety, if the party whose duty it was to give such surety shall, before the decision of a motion to dismiss, make and offer a good and perfect bond, recognizance, or other form of surety as the law may require in said case: *Provided*, That this section

Proviso.

to any bond, recognizance, or other form of
ior to the passage of this act.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Governor and President of the Senate.
arch 24, 1852.
ONARD J. FARWELL.
[*Published April* 2, 1852.]

---

ime for holding the Circuit Court in the several counties in the sixth Judicial Circuit. **Chap 158**

of the State of Wisconsin represented in sembly, do enact as follows:

The terms of the circuit court in the sixth shall be holden at the times and places fol-

of Crawford on the fourth Monday of Crawford.
ne fourth Monday of September in each

y of Bad Ax on the second Monday of Bad Ax.
e second Monday of September in each

y of La Crosse on the second Monday of La Crosse.
nd Monday of October in each year.
y of St. Croix on the fourth Monday of St. Croix.
fourth Monday of October in each year.
of La Pointe on the first Monday of Au- La Pointe.
irst Monday of February in each year.
s act shall take effect from and after the When act to take effect.
e next, and all writs, summons, process, re-
other proceedings made returnable by any
e to the terms of the several circuit courts
his act, which shall issue or be had after
of the said several circuit courts, as now
w, shall be returnable to the first terms of
after the first day of June next, of the re-
es mentioned in this act.

J. McM. SHAFTER.
Speaker of the Assembly.
TIMOTHY BURNS,
Governor and President of the Senate.
March 24, 1852.
LEONARD J. FARWELL.
[*Published, April* 5, 1852.]

Chap 159 An Act to incorporate the Milwaukee Gas Light Company.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. John Lockwood, William P. Lynde, James Kneeland, James H. Rogers, and D. P. Hull, trustees of the Milwaukee Gas Light Company, organized under chapter fifty-one of the revised statutes, on the third day of January, 1852, and such other persons as may hereafter be associated with them as stockholders, their successors and assigns are hereby created a body corporate and politic by the name of the Milwaukee Gas Light Company, with perpetual succession, and by that name shall have all the privileges, franchises, and immunities incident to a corporation. They shall be capable in law of contracting and being contracted with, suing and being sued, defending and being defended, in all courts and places; they shall be capable in law of purchasing, holding, selling, leasing, and conveying estate, either real, personal, or mixed, so far as the same may be necessary and proper for the construction, extension, management, and usefulness of the works of said company, and for the good government of the same; they may have a common seal, and may alter the same at pleasure.

Created a body corporate.

Capital Stock.

SEC. 2. The capital stock of said company shall be one hundred and fifty thousand dollars, in shares of fifty dollars each. The affairs of said company shall be managed by a board of five directors, who shall be chosen by ballot; and each share of stock shall be entitled to one vote; the votes to be delivered in person or by proxy, duly authorized; and for the purpose of electing the first directors, the persons named in the preceding section, or a majority of them, shall give ten days' notice in two daily papers printed in the city of Milwaukee, of the time and place by them appointed, for the subscribers or stockholders to meet for the purpose of electing directors, which directors shall appoint one of their number president; and annually thereafter on the first Monday in July, the stockholders shall meet for electing directors as aforesaid: *Provided*, That none but stockholders shall be elected directors.

Powers.

SEC. 3. A majority of said board shall constitute a quorum for the transaction of business. They shall have power to appoint a secretary and treasurer and such other officers and agents as may be deemed necessary, to make and prescribe such by-laws, rules, orders, and regulations respecting the management, control, and disposition of the stock, property, and affairs of said company, as they may

not inconsistent with the constitution and United States or of this state, to make such ontracts, and agreements with any person or artnership, or body politic whatsoever, as the id management of the works, or the conven- erest of the company may require.

he said company shall have power and full e authority to manufacture, make, and sell gas rom any and all the substances or a combina- from which inflammable gas is obtained, for of lighting the city of Milwaukee, or the f, or any buildings, manufactories, public pla- therein contained, and to erect all necessary pparatus, and to lay pipes for the purpose of e gas in any of the streets, avenues, commons, rs in said city: *Provided*, That no permanent e done to any street, highway, lane, or alley greeably to the terms and conditions of a con- isting between the city of Milwaukee and od, entered into on the sixth day of June, A. rtified copy of which contract shall be placed office of the secretary of state.

Company invested with exclusive rights.

said corporation shall not within the time said contract, complete the construction of s, so far as to put the same in operation, then d privileges and powers of said corporation shall cease, and be null and void.

How charter forfeited.

from any cause an election for directors shall t the time specified therefor, the corporation n shall not be dissolved, but it shall be lawful day to hold an election for directors as shall for in the by-laws of said corporation, and un- on, the directors of the preceding year shall et, and all their doings shall be binding upon on until their successors shall be elected.

Failure to hold election not to dissolve corporation.

any person shall willfully do or cause to be or acts whatsoever to injure any machine, tures whatsoever, or any thing appertaining to said corporation, whereby the same may be rructed, or injured, the person or persons so ll be considered guilty of a misdemeanor and convicted, shall be punished by fine not ex- hundred dollars, or by imprisonment not ex- years, or both: *Provided*, Such criminal pros- not in any wise impair the right of said com- age, by a civil suit hereby authorized to be ny such injury as aforesaid, by and in the

Penalty for damage to works.

Proviso.

name of said corporation, in any court of the state competent jurisdiction of the same.

SEC. 8. The said corporation are hereby authorized fully empowered in their corporate capacity, to borrow sum or sums of money from any person or persons, rations, or body politic of any kind, and make and in their corporate name, all necessary writings, bonds, or other papers, and make and execute and such securities in amount and kind, as may be deemed pedient by said corporation for all purposes in carrying out the objects of this company; and the official said company are hereby declared binding in equity upon said corporation and upon all other parties such contracts.

May borrow money.

SEC. 9. This act shall be favorably construed to the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed thority of the state shall be received as evidence th

Public act.

SEC. 10. This act shall take effect from and after passage.

J. McM. SHAFTER,
Speaker of the Assembly
TIMOTHY BURNS,
Lt. Governor and President of the Senate
Approved, March 27, 1852.
LEONARD J. FARWELL.

Chap 160 An Act to extend the Charter of the Milwaukee Mutual Fire Insurance Co

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The time specified for the continuance force of an act entitled, "An act to incorporate the waukee Mutual Fire Insurance Company," approved cember 27th, 1837, is hereby extended twenty years wit: to continue in force till the 27th of December and shall have the same force and effect as if originally specified to continue in force forty years.

J. McM. SHAFTER,
Speaker of the Assembly
TIMOTHY BURNS,
Lt. Governor and President of the Senate
Approved, March 27, 1852.
LEONARD J. FARWELL.
[*Published, April 2*

e the name of Mary Ann Reed to Mary Ann Mills, and to make her the heir at law of Harmon Mills. **Chap 161**

ple of the State of Wisconsin represented in l Assembly, do enact as follows:

1. The name of Mary Ann Reed is hereby Mary Ann Mills. Name changed.
The said Mary Ann Reed is hereby constitu- Made heir.
r at law of Harmon Mills.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
d, March 27, 1852.
LEONARD J. FARWELL.

---

ct to appropriate to Robert Bonham the sum therein named. **Chap 162**

ple of the State of Wisconsin represented in l Assembly do enact as follows:

1- That there is hereby appropriated to Robert e sum of three hundred and sixty-five dollars for he state prisoners from January 1st, 1851 to t, 1852, to be paid out of any money in the state t otherwise appropriated.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
d, March 27, 1852.
LEONARD J. FARWELL.

---

nd an act to authorize plank and turnpike road companies to borrow money upon the stock of said companies. **Chap 163**

ple of the State of Wisconsin represented in l Assembly, do enact as follows:

1. Any plank road or turnpike road compa- May borrow money.
orated by or under any law of the state of Wis-
hereby authorized and empowered to borrow
n its bonds, or in such other manner as the board
s thereof may deem expedient, and to execute a

mortgage of all its stock, property, real and personal
chises and tolls, to secure the payment thereof. If
shall be issued by any such company to raise money
bonds may be sold or disposed of for such sums
such terms as the board of directors thereof shall
best for the interest of the company.

Mortgagee to be invested with rights of company.

SEC. 2. If any such mortgage, executed by any
road or turnpike road company shall be foreclosed,
mortgagee therein shall enter upon the premises
gaged by reason of any failure of such company to p
principal sum of money secured to be paid thereby,
interest thereon, the purchaser or mortgagee, afte
entry, may exercise all the rights, powers, and fran
conferred by law upon said company, in the same m
in which the company might lawfully exercise and
the same.

SEC. 3. This act shall take effect immediately upo
after its passage.

J. McM. SHAFTER,
Speaker of the Assem
TIMOTHY BURNS,
Lt. Governor and President of the Sen

Approved, March 27, 1852.
LEONARD J. FARWELL.

[*Published April* 6,

An Act to provide for the payment of interest on warrants issued to contract Fox and Wisconsin River Improvement.

Chap 164

The people of the State of Wisconsin represent Senate and Assembly, do enact as follows:

To pay interest

SECTION 1. That the treasurer of the state land of
and is hereby authorized to pay interest at the
twelve per cent. per annum on all such warrants a
been or may hereafter be issued in conformity to a
tion of the board of public works, adopted the nin
of May, A. D. 1851; also, on all warrants issued to
McNeil and Thomas Reynolds, contractors on the P
canal and locks at Fort Winnebago.

Notice to be given.

SEC. 2. Whenever there shall be sufficient funds
treasury for the redemption of such outstanding wa
it shall be the duty of the treasurer to give public
in some newspaper published at Oshkosh, that th
warrants will be redeemed upon presentation, and the

shall cease from and after the date of such no-

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
d, March 27, 1852,
LEONARD J. FARWELL.
[*Published, April* 2, 1852.]

---

rize the supervisors of the town of Beloit, in Rock county, to alter Street, and exchange the land occupied by said street for other land.

Chap 165

ple of the State of Wisconsin, represented in Assembly, do enact as follows:

1. The supervisors of the town of Beloit, in ty, are hereby authorized and empowered to t part of Turtle Street, in the village of Beloit, een School Street and public avenue. May change street.

That for the purpose of making such alteration et, the said supervisors are hereby authorized vered to make an exchange of the lands occu- t part of Turtle Street to be altered, with the that part of block forty-seven, in said village, aid Turtle Street, for other lands necessary for alteration of said Turtle Street, upon such terms supervisors and the said owners of block forty- agree. May change land.

The said supervisors are hereby authorized to eir names, on behalf of the town, the necessa- o effect the exchange of land aforesaid, and after having been duly recorded, shall vest the land so exchanged in the grantee's name in said May make deeds

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
d, March 27, 1852.
LEONARD J. FARWELL.
[*Published, March* 29, 1852.]

Chap 166 An Act to incorporate the Green Bay and Depere Plank Road Company

The people of the State of Wisconsin represen
Senate and Assembly, do enact as follows:

Created a body corporate.

SECTION 1. That Henry S. Baird, John Day, F
Denoyer, Daniel Butler, D. M. Say, Randall Wilcox,
Martin, Hoel S. Wright, George W. Sawe, Julius S.
and Charles A. Grignau, and such other persons a
associate with them, and become stockholders pursu
the provisions of this act, shall be and are hereby c
and made a body corporate and politic, in fact and in
by the name and style of the "Green Bay and I
Plank Road Company," with perpetual succession, a
that name shall have all the privileges, franchise
immunities incident to a corporation, to wit: they
be capable in law of purchasing and conveyigg es
ther real, personal, or mixed, and in their corporat
may sue and be sued, may have and use a commo
which they may alter at pleasure and generally m
all and singular the matters and things which th
authorized by law to do for the interest and well be
said company.

Commissioners to call meeting.

SEC. 2. The persons named in the first section of th
or a majority of them, shall be commissioners to oper
and receive subscriptions to the capital stock of said
ny, at such times and places as they may deem exp
and whenever the amount of two thousand dollars
capital stock shall be subscribed for and distribute
five per cent. paid thereon, said commissioners sha
a meeting of the stockholders of said company by
at least twenty days' notice thereof in one or more n
papers published in the county of Brown, for the p
of electing nine directors of said company, who sh
mediately proceed to elect one of their number pre
and annually thereafter, the said stockholders sha
on the second Monday in April, for the purpose of e
directors as aforesaid, on a like notice to be given
president and secretary, in some newspaper, as the

Proviso.

deem proper: *Provided*, That if from any cause, a
tion shall not be held at any other time on notice as
said, and that until such election, the directors of t
ceding year shall continue to act, and this charte
not be avoided by reason of any irregularity in or w
such election; and in case of a vacancy in the boar
rectors, the same may be filled by appointment of
jority of the board, until the next annual election
after.

The business of said company shall be man-
board of nine directors, who shall be stockhold-
directors shall be chosen annually by ballot by
olders of said company, and shall serve until Board of direc-
elected in their stead. The vote may be given tors.
r by proxy duly authorized. The directors shall
by-laws, rules, and regulations, not inconsistent
onstitution and laws of this state, as may be ne-
the well ordering of the affairs of said compa-
majority of said directors shall form a quorum
saction of business for the company. In the ab-
e president of the board of directors, the board
nt a president *pro tem.* The board shall also
ecretary, treasurer, engineers, and such other
hey may deem necessary, and fix their compen-
may demand adequate security for the perfor-
their respective duties. They shall have full
ecide the time and manner in which said stock-
ll pay the money or labor due on their respec-
, not exceeding twenty per cent. at any one in-
and to forfeit to the use of the said company the
ares of every person failing to pay any install-
reasonable period, not less than thirty days af-
e appointed for the payment thereof. The com-
until the directors are chosen, shall do and
l and singular the duties and trusts imposed by
on the directors of said company. They shall
chairman, secretary, and treasurer, the chair-
one of their own number; and until the di-
appointed according to the provisions herein
they shall in fact constitute a board of directors
npany, with like powers as are herein conferred
aid board of directors. The said commissioners Commissioners
to issue certifi-
cates.
certificates to the stockholders for the number
uch stockholders may have subscribed for or may
d company; the certificates to be signed by the
and countersigned by the chairman, and to be
all the payments due and to become due there-
stock shall be transferable in such manner as
escribed by the by-laws of said company.

The capital stock of said company shall be ten
ollars, and shall be divided into shares of twen-
ars each; each stockholder shall be entitled to Capital stock.
r each and every share of stock he or she may
any person may subscribe to pay his or her
abor or materials upon said road, under the su-
nd direction of the board of directors: *Provided*

always, That five per cent. in cash be paid on such subscription to the stock of said company.

May locate road Proviso.

SEC. 5. The said company shall have power to c a plank road, or a road partly of plank and p gravel, or other good and substantial materia Green Bay, in the county of Brown, to the villag pere, in said county, with the privilege of continu road to Kaukauna, in the county of Outagamie, o side of Fox river, as the directors may determi route of said road to be determined by the dire the company, when elected and duly organized: *P always*, That the points of said road herein est shall in no case be changed by said directors; and directors shall have power to construct said roa and upon any highway now, or hereafter laid ou be laid out and established by the proper aut and of such width as the said directors shall de but the surface or arch of said road shall in all pl of sufficient width for two teams to pass conve though it shall be at the option of the director ever the said road shall be constructed of plank down one or two tracks, as they may deem best fo terest of the company.

SEC. 6. It shall be lawful for said company, t cers, engineers and agents, to enter upon any land

May enter upon lands.

purpose of exploring, surveying and locating the said road, doing thereto no unnecessary damage; a the said route shall be determined or fixed by the ny, it shall be lawful for them, their officers, ag gineers, contractors, and servants, at any time to e on and take possession of, and use such lands to t of four rods, and also to take from any lands a said road, gravel, stone or earth, for the purpose structing or repairing said road, subject, however, compensation as the company have agreed to pay or as shall be ascertained in the manner hereinafte ed and provided.

SEC. 7. Whenever it shall be necessary for said ny to enter upon and occupy, for the purpose of c ing said road, any land upon which the same may ted, or to take from such land or the land adjoin road, any gravel, stone, or earth, for the purposes

How damages settled.

road, and the owner or owners of the same shall permit such entry, or occupation, or taking, and the cannot agree upon the compensation to be made fo jury to be done to such land for such entry, occup taking, it shall and may be lawful for the parties to

erested persons to estimate such damage, who
orn fairly and impartially to estimate the same,
all reside in the county where the land lies.—
es of such appraisal shall be paid by the com-
if the parties cannot agree upon such persons,
rsons thus chosen cannot decide upon the mat-
e owner of the land refuse or neglect to join in
tment, within twenty days after notice for that
on him made, or if such owner shall be under a
lity, or out of the state, then and in either of
it shall be lawful for the judge of the circuit
e county in which such lands lie, upon applica-
er party, and at the cost and charges of the com-
point, and he shall appoint, three disinterested
the same county to view the lands and estimate
e or injury which will be sustained by reason of
r occupation, or taking, as aforesaid: *Provided*, Proviso.
be given in some newspaper published in the
east ten days before such view and estimate be
e said appraisers shall as early as practicable,
r oath, to the circuit court of the county, the
damages sustained by any party by reason of
as aforesaid, which report being confirmed by
udgment shall be rendered therefor. The said
shall be paid, each, two dollars per day for their
the company, in all cases where said damages
amount offered by said company previous to
al, or to be paid by the other party when the
ed does not exceed the sum offered for damages
pany. The said appraisers shall in all cases
e account, in awarding damages, the benefits ac-
ne person claiming damages in consequence of
g of said road. Upon the payment to the own-
lands, of the sum specified in the report of said
or upon depositing said sum with the clerk of
court of the county where said lands are situa-
benefit of said owners, the said company may
y enter upon, occupy, or take from said lands
fore provided.

The said company may erect toll-gates, and de-
eceive toll from all persons traveling on the said
ever three consecutive miles are finished, or
hole road is finished. The tolls on said road Rates of toll.
xceed the following rates per mile, to wit: for
le, sled, sleigh, or carriage, drawn by one or
, two cents, and if drawn by more than two an-
ent per mile for each additional animal; for

every horse and rider, or led animal, one cent per mile; for every score of neat cattle, four cents per mile; for every score of sheep, two cents per mile, and for every score of swine, two cents per mile.

Penalty for evading toll.

Sec. 9. Each toll-gatherer may detain and prevent from passing any gate on said road, all persons, riding, leading or driving animals or carriages subject to tolls, until they shall have paid, respectively, as authorized by this act, and any person who shall forcibly or fraudulently pass any toll-gate erected on said road, pursuant to this act, without having paid the legal toll, and any person who to avoid the payment of legal toll, shall, with his carriage or horse, or other vehicle, or animal or animals, liable to toll, turn out of such road or pass any gate thereon or land adjacent thereto, and enter again upon said road, shall for each offence be liable to a fine not to exceed ten dollars, to be recovered in any court having jurisdiction thereof.

Penalty for damage to road.

Sec. 10. If any person shall willfully and maliciously obstruct, break, injure or destroy said road, or any part thereof, or any work, building or fixture attached to, or in use upon the same, belonging to said company, such person so offending, shall for every such offence be liable for the recovery of damages by the company, and shall also be subject to indictment, and upon conviction shall be punished by fine and imprisonment, or either, at the discretion of the court.

May provide for increase of capital stock.

Sec. 11. The directors of said company, or a majority in amount of said stockholders, may at any meeting of said company, called for that purpose, provide for such increase of the capital stock of said company as may be deemed necessary: *Provided*, That the capital stock of said company shall in no case exceed the sum of fifty thousand dollars: *And provided further*, That such increase of capital shall be necessary to complete said road.

Sec. 12. This act shall be favorably construed to effect the purposes hereby intended, and the same is hereby declared to be a public act.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.
Approved, March 27, 1852.
LEONARD J. FARWELL.
[*Published, April* 14, 1852.]

t to provide for proof of pre-emptions in certain cases.

Chap 167

of the State of Wisconsin represented in ssembly, do enact as follows:

The commissioners for the sale of school lands, are hereby authorized to receive proof ions to university lands had been previously es where records of the same have been lost, of of the same, and in reference thereto, to provisions of law relating to the sale of school lands.

Authorised to receive proof.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

March 29, 1852.
EONARD J. FARWELL.
[*Published, April* 7, 1852.]

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elating to the settlement of estates of deceased persons.

Chap 168

of the State of Wisconsin represented in ssembly, do enact as follows:

The judges of probate of the several counte, or the person or persons who may by law ate powers, are hereby authorized, when letatry or of administration shall be granted, to ine, and adjust all claims and demands of all st the deceased, and for this purpose are inl the powers and duties of the commissioners ion one, (1,) of chapter seventy, of the revised ll the provisions of said chapter relating to commissioners shall regulate the duties of the ate while performing the duties of such com-

Judge authorised to adjust claims.

rovided however, That if on the granting of entary or of adminstration, any person interestate, either as creditor, heir, or legatee, shall ppointing of commissioners, it shall be the udge of probate, or the person exercising pro- to appoint commissioners as provided in chap- the revised statutes.

Proviso.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

March 29, 1852.
EONARD J. FARWELL.
[*Published April* 12, 1852.]

Chap 169 An Act to change the name of the village of Adams in Sauk Count

The people of the State of Wisconsin, represe Senate and Assembly, do enact as follows:

Name changed. Section 1. The name of the village of Adams county of Sauk in this state, is hereby changed t boo, by which name the said village shall here known and designated, and all writs, processes, pl and proceedings, dated at, or necessary to be mad able at the village of Adams, shall be taken to b at, or returnable to the village of Baraboo, and sh the same effect in law as if no change had been the name of said village.

Sec. 2. This act shall take effect and be in for and after its passage.

J. McM. SHAFTER,
Speaker of the Asse
E. B. DEAN, Jr.
President pro tem. of the Se

Approved, March 29, 1852.
LEONARD J. FARWELL.
[*Published, April* 12

Chap 170 An Act to discharge the sureties upon the official bond of Edward H. Ja Treasurer.

The people of the State of Wisconsin represe Senate and Assembly, do enact as follows:

Sureties discharged. Section 1. The sureties upon the official bond ward H. Janssen, the present state treasurer, wh bond was approved by the governor and placed u files in the executive office, on the 7th day of 1852, are hereby released and discharged from any liabilty that has accrued or may accrue upon sa from and after the twenty-second day of January,

J. McM. SHAFTER,
Speaker of the As
E. B. DEAN, Jr.
President pro tem. of the

Approved, March 29, 1852.
LEONARD J. FARWELL.
[*Published, April*

acts of the Commissioners of Highways in the town of Trenton in Dodge County. Chap 171

of the State of Wisconsin represented in ssembly, do enact as follows:

That a certain road surveyed by Judson e 18th day of December, in the year of our sand eight hundred and forty-seven, in the n, in the county of Dodge, a copy of which, the order of the commissioners of highways was recorded in the records of said town on f January, one thousand eight hundred and d signed by C. C. Ammack and John W. eby considered and ordered to be a legal Declared a legal highway.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

March 29, 1852.
ONARD J. FARWELL.

---

appropriate James W. Seaton a certain sum of money. Chap 172

of the State of Wisconsin represented in ssembly, do enact as follows:

There is hereby appropriated to James W. n of fifteen dollars in full, out of any money not otherwise appropriated, for printing in ublican, notice of proposals for state print- month of April, 1851.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

March 29, 1852.
ONARD J. FARWELL.

---

ertain roads in the town of Concord in the county of Jefferson. Chap 173

of the State of Wisconsin represented in ssembly, do enact as follows:

That all roads in the town of Concord in ty, and on the lines of said towns that have and descriptions thereof recorded and filed Roads declared public highways.

in the town clerk's office of said town, are hereby
to be lawful highways.

Who not entitled to damage.

Sec. 2. That no person or persons shall be e
any damages in consequence of the legalizing of s
who were not entitled to damages at the time sa
were laid out.

J. McM. SHAFTER,
Speaker of the A
E. B. DEAN, Jr.
President pro tem. of the

Approved, March 29, 1852.
LEONARD J. FARWELL.

Chap 174

An Act to appropriate to John W. Hunt the sum therein name

The people of the State of Wisconsin repres
Senate and Assembly, do enact as folllows:

Section 1. There is hereby appropriated to
Hunt the sum of five dollars and sixty-five cents i
sundries furnished for the office of secretary of st
year 1851, to be paid out of any money in the tre
otherwise appropriated.

J. McM. SHAFTER,
Speaker of the A
E. B. DEAN, Jr.
President pro tem. of th

Approved, March 29, 1852.
LEONARD J. FARWELL.

Chap 175

An Act to appropriate to Daniel M. Seaver the sum therein na

The people of the State of Wisconsin repre
Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to
Seaver, out of any money in the state treasury
wise appropriated, the sum of three hundred d
full for services as clerk in the office of secretar
and state treasurer, for the year 1851, employed
ance of the provisions of an act of the legislatur
ed March 17, 1851.

J. McM. SHAFTER,
Speaker of the A
E. B. DEAN, Jr.
President pro tem. of th

Approved, March 29, 1852.
LEONARD J. FARWELL.

o appropriate to John Warren Hunt the sum therein named. Chap 176

le of the State of Wisconsin represented in Assembly, do enact as follows:

. There is hereby appropriated to John War-
it of any moneys in the state treasury not oth-
ppriated, the sum of three hundred dollars, in
nce due him for services in the office of the
state, for the year 1851, employed in pursuance
sions of an act of the legislature, approved
851.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

, March 29, 1852.
LEONARD J. FARWELL.

---

o appropriate to Charles G. Mayers the sum therein named. Chap 177

le of the State of Wisconsin represented in Assembly, do enact as follows:

. There is hereby appropriated to Charles G.
e paid out of any moneys in the state treasury
e appropriated, the sum of fifty dollars, in full
as clerk in the office of the state superinten-
year 1851, employed in pursuance of the pro-
act of the legislature, approved March 17,

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

, March 29, 1852.
LEONARD J. FARWELL.

---

to Robert Wakeley the right to keep a Ferry across the Wisconsin River. Chap 178

le of the State of Wisconsin represented in Assembly, do enact as follows:

. Robert Wakeley, his heirs, executors, ad- Authorized to maintain ferry.
and assigns, shall have the exclusive right and
or the period of ten years from the passage of
keeping and maintaining a ferry across the Wis-
, on section fifteen, (15,) in township twenty-one,

(21,) north of range five, (5,) east of the fourth principal meridian, in Portage county, Wisconsin.

Fees for crossing.

Sec. 2. The said ferry shall be subject to such regulations as other ferries are or may be by law subject, and the proprietor thereof shall be entitled to take and receive for crossing over said river, on said ferry, for any vehicle drawn by two horses or one yoke of oxen, fifty cents; for one horse and a wagon, thirty cents; for each additional horse or ox, fifteen cents; for man and horse, twenty-five cents; for cattle or horses in droves, five cents each: *Provided*, hogs and sheep shall not be charged more than three cents each; and for foot passengers, ten cents each.

Sec. 3. No ferry shall be granted or licensed within one mile of the place where the above provided ferry shall be established.

To provide boat.

Sec. 4. It shall be the duty of the said Robert Wakeley, his heirs or assigns, within one year, to provide a boat at the place above mentioned, sufficient to cross passengers and teams, and within two years from the passage of this act put in complete operation a good and commodious ferry boat at said place, or forfeit all rights under this act.

Sec. 5. Any future legislature may alter, amend or repeal this act.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, March 29, 1852.
LEONARD J. FARWELL.

[*Published, April* 12, 1852.]

Chap 179

An Act to appropriate to A. S. Wood the sum therein named.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to A. S. Wood, out of any money in the state treasury not otherwise appropriated, the sum of forty-five dollars, being in full for services in the office of secretary of state, employed in pursuance of the provisions of an act of the legislature, approved March 17, 1851.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, March 29, 1852.
LEONARD J. FARWELL.

ate a part of the town plat of the village of Wyocena, in the county of Columbia. **Chap 180**

ople of the State of Wisconsin, represented in d Assembly, do enact as follows:

1. That all that part of the recorded plat of Part of plat vacated.
of Wyocena, in the county of Columbia, de-
follows, to wit: all that part of said plat lying
olumbus Street, excepting lots, one, two, seven,
of block number eleven, also, all that part of the
lying between Washington Street and Columbus
th of high water mark on Duck Creek; also, all
of the commons south of high water mark on
ek, between Jefferson Street and a line extend-
north from the north-west corner of lot one,
eight; also, all that part of Jackson Street,
Creek to its intersection with Monroe Street, be
v is vacated.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.
ed, March 29, 1852.
LEONARD J. FARWELL.

---

orize the officers of Joint School District Number Three, in the towns mowoc and Summit to borrow money for the use of said district. **Chap 181**

ole of the State of Wisconsin represented in Sen- ssembly, do enact as follows:

1. The officers of joint school district number Authorized to borrow money.
e towns of Oconomowoc and Summit, in the coun-
esha, be and they are hereby authorized to borrow
of said district, any sum or sums of money not
fifteen hundred dollars, and to make in the name
strict any pledge or security binding the same
operty thereof that they may deem proper and
to secure the payment of such money so bor-
the interest thereon.

This act shall take effect from and after its pas-

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.
ed, March 29, 1852.
LEONARD J. FARWELL.

[*Published April* 12, 1852.]

Chap 182 An Act regulating the terms of the county court of the county of Dane.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

When terms of court to be held.

Section 1. The terms of the county court of the county of Dane shall hereafter be held on the first Monday in May, August, November and February in each year.

Act repealed.

Sec. 2. That so much of an act approved February ninth, 1850, entitled "An act to amend the law concerning county courts," as conflicts with the provisions of this act, be and the same is hereby repealed.

Sec. 3. This act shall take effect on the first day of May next.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved March 29, 1852.
LEONARD J. FARWELL.

[*Published April* 12, 1852.]

Chap 183 An Act to change the name of the town of Waushara, in the county of Dodge.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Name changed.

Section 1. The name of the town of Waushara, in the county of Dodge, is hereby changed to Fox Lake, and said town shall hereafter be known in law and otherwise by said name.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, March 29, 1852.
LEONARD J. FARWELL.

[*Published, April* 13, 1852.]

An Act to legalise a certain Road therein named.

Chap 184 *The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:*

Section 1. That the commissioners appointed under an act of the legislature at its session in 1849 to lay out a state road from Dodge Centre, in the county of Dodge, to Iron Ridge, in said county, are hereby authorized to file

e of the clerk of the board of supervisors of said survey bill of said road, as caused to be surveyed the year 1849, and to make and file an order said survey to be a public highway, and that of said survey bill, and the making and filing of after the passage of this act, shall have the same said survey bill and order had been filed at that

May file survey bill.

J. McM. SHAFTER.
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

ed March 29, 1852.
LEONARD J. FARWELL.
[*Published April* 12, 1852.]

---

latory of an act entitled an act to authorize the borrowing of money to arbor at the mouth of he Sheboygan River, approved January 31st. 1852.

Chap 185

ople of the State of Wisconsin represented in d Assembly, do enact as follows:

1. Section four of said act is hereby so amend- low the bonds therein mentioned to be issued in ot less than twenty-five dollars instead of one dollars, as now provided.

Act amended.

Section eight of said act is amended by adding e words following to wit: either party may ap- such appraisal of damages by filing with the id circuit court at the next term thereof after the said clerk of said appraisal, a written statement the party, his agent, or attorney, certifying in that the party appeals from such appraisal; tificate shall be amendable at any time at such id court, as of course.

Appeal may be taken.

Upon filing such appeal, a trial shall be had question of damages by jury or otherwise accor- e custom of said circuit court, and if the said ap- all succeed upon such trial in procuring an assess- amages more favorable to himself than was ob- on such appraisal from which the appeal was ta- all recover cost; but if the assessment of the ju- favorable to the appellant than such appraisal, he costs, to be taxed as in other cases in said court.

Who to pay cost

Whenever a judgment is obtained in any court bond mentioned in said act to which this act is ry, execution shall issue against the defendant county of Sheboygan, to the sheriff of said coun-

Execution to be issued.

ty, commanding him to make the amount of such judgment and costs, with the costs of such execution and of the levy thereof from the goods, chattels, or estate of said defendant corporations, and for want thereof, from any lands lying severally in said corporations, and the same sell and dispose of for the satisfaction of such debt, cost and liabilities as is provided for like sales upon executions.

How execution served.

Sec. 5. Said sheriff, upon receiving such execution, shall first apply to the several treasurers of said defendant corporations and demand the money due thereon; upon failure to pay, he shall seize all certificates of sale of lands for taxes, which belong to said several corporations in the hands of said treasurers, who are hereby required to endorse, assign, and deliver the same to the said sheriff, said sheriff at the same time giving to said treasurer a receipt or schedule of said certificates so received, which shall be full evidence for such treasurer, upon the settlement of their accounts with the said several corporations.

May seize property.

Sec. 6. Said sheriff may, at the same time, seize any other goods or chattels described in his execution, and advertise and sell the same as is provided by law in like cases.

Further proceedings.

Sec. 7. If any portion of such execution remains unsatisfied after such sale, or if no such certificates nor goods and chattels can be found, upon which to levy, then said sheriff may levy the said execution or the residue thereof upon the real estate of such defendant corporation, and upon any other real estate situated within the bounds of such corporations severally, not exempted from such sale, and advertise the same as is now provided by law for such sales: *Provided*, that the real estate of such corporations shall be first severally exhausted before any sale shall be made of other real estate: *And provided*, That not more than five hundred dollars shall be made from the real estate of any one person against his consent: *And provided*, That an *alias* or *pluries* execution may issue as may be necessary.

Proviso

How persons may recover.

Sec. 8. Any person whose lands are sold under the foregoing provisions, may, upon being dispossessed of said real estate, under such sale, recover in an action for money had and received, against said defendant corporation, upon whose debt his estate was sold, the value of such estate, at the time of such eviction, with twenty per cent. interest thereon, from such eviction up to the rendition of judgment, and shall be entitled to the same form of execution and service thereof as is herein (*after*) [before] prescribed.

Sec. 9. Neither the treasurer of the county nor of

e of Sheboygan shall receive any per centage or ion whatever for any service performed under the act to which this is amendatory. Treasurer not to receive compensation.

This act shall take effect from its publication.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

ed March 29, 1852.
LEONARD J. FARWELL.

[*Published April* 15, 1852.]

Act to appropriate to Francis Hudson the sum therein named.

Chap 186

ple of the State of Wisconsin, represented in d Assembly, do enact as follows:

1. There is hereby appropriated to Francis ut of any money in the state treasury not other- ppriated, the sum of two hundred and fifty dol- ll for services as clerk in the office of the state dent, for the year 1851, employed in pursuance f the legislature, approved March 17, 1851.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

ed March 29, 1852.
LEONARD J. FARWELL.

---

t to appropriate to C. Latham Sholes a certain sum of money.

Chap 187

ople of the State of Wisconsin, represented in d Assembly do enact as follows:

1. There is hereby appropriated to C. Latham t of any money in the treasury not otherwise ap- , the sum of fifteen hundred and fifty-nine dollars ive cents, in full for printing the laws and jour- 851.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

ed March 29, 1852.
LEONARD J. FARWELL.

Chap 188 An Act to amend an act entitled "An Act to provide for the removal o Seat of Marquette County," approved March 23d, 1852

The people of the State of Wisconsin repre Senate and Assembly, do enact as follows:

SECTION 1. That at the general election in N next, the electors of the county of Marquette for the removal and permanent location of the co

May vote for removal of county seat.

of said county at Montello, and if said Montello ceive a majority of all the votes cast at said e that subject, then said Montello shall be the p county seat of said county; and the votes cast on tion of the removal and location of said county be received, returned, and canvassed in the sam as votes cast for county officers.

SEC. 2. It shall be the duty of the clerk of

Form of ballot, Act repealed.

of supervisors to publish the result of the said e the manner required by section five of the act this is amendatory; and the votes cast at such shall have written or printed or partly written a printed upon them, the words, "For removal of c to Montello," or the words, "Against removal seat to Montello;" and all persons may vote upo moval who reside upon the west side of Fox riv county, and are qualified to vote at a general ele

SEC. 3. So much of the act to which this act atory as conflicts, or is inconsistent with the pr this act, is hereby repealed: *Provided*, That the ty seat shall not have been located by previou Princeton.

SEC. 4. This act shall take effect from and passage.

J. McM. SHAFTER,
Speaker of the
E. B. DEAN, JR.
President pro tem. of th

Approved, March 30, 1852.
LEONARD J. FARWELL.
[*Published, March 3*

Chap 189 An Act to authorize the erection of a free bridge across the Milwaul

The people of the State of Wisconsin repre Senate and Assembly, do enact as follows:

SECTION 1. Lyman P. Swift, Peter Bender, associates, are hereby authorized to build, erect,

ridge across the Milwaukee river, in the county ee, on or near the quarter line of sections twenty irty of town eight: *Provided*, That in case the e river where such bridge is authorized to be ot laid out as a highway, or owned by said ssociates or any of them, said Swift and associ- e of them shall obtain the written consent of r owners of such bank or banks, not so laid out the construction of such bridge.

Authorized to build bridge.

Said bridge shall be so constructed as not to navigation of said river.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

l, April 1, 1852.
LEONARD J. FARWELL.

---

o appropriate to Benjamin F. Moore the sum therein named.

Chap 190

le of the State of Wisconsin represented in Assembly, do enact as follows:

1. There is hereby appropriated to Benjamin e sum of thirty-one dollars and forty cents, in dental expenses incurred by the committee ap- examine the affairs of the state land office, to of any money in the treasury not otherwise d.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

l, April 1, 1852.
LEONARD J. FARWELL.

---

riate to F. A. Beckel, Treasurer of Dodge County, the sum therein named.

Chap 191

ple of the State of Wisconsin represented in Assembly, do enact as follows:

1. There is hereby appropriated to Frederick Treasurer of Dodge county, out of any money ury not otherwise appropriated, the sum of one

hundred and eighty-seven dollars and seventy-two for the use of said county, in full to February fou one thousand eight hundred and fifty-two, for the expended for the support and safe keeping of Wil Duell, a state prison convict, confined in the jail county.

J. McM. SHAFTER,
Speaker of the Ass
E. B. DEAN, JR.
President pro tem. of the S

Approved April 1, 1852.
LEONARD J. FARWELL.

Chap 192

An Act to provide for means to pay the current expenses of keeping the sta confined at Waupun.

The people of the State of Wisconsin represe Senate and Assembly, do enact as follows:

Governor to borrow money.

SECTION 1. The Governor is hereby authorized row on the faith of the state, from the school fu sum or sums of money, not exceeding in the aggreg thousand dollars, to be applied under his direction the current expenses of keeping the state prisoners a pun.

How paid.

SEC. 2. The first moneys realized from the st for the year 1852, shall be applied for the paymen principal, and the interest of said loan shall be pai any money in the treasury not otherwise appropriat

J. McM. SHAFTER,
Speaker of the Ass
E. B. DEAN, JR.
President pro tem. of the S

Approved, April 1, 1852.
LEONARD J. FARWELL.

Chap 193

An Act to appropriate to Lafayette Towsley the sum therein name

The people of the State of Wisconsin represe Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to La Towsley out of any money in the treasury not ot appropriated, the sum of five dollars and fifteen c full for services as clerk of the circuit court of Was county, in equity, in the case of S. Park Coon, a

the Wisconsin Marine and Fire Insurance

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.
April 1, 1852.
EONARD J. FARWELL.

---

rise the construction of a free Bridge across Fox river at Omro.

Chap 194

of the State of Wisconsin represented in Assembly, do enact as follows:

J. Waterman, N. Beckwith, A. F. Arnold ohnson, their associates, successors, and as- are hereby authorized to construct a free the Fox river at Omro, Winnebago county, said river cut by a line drawn through the ion seventeen, north and south. Authorised to build bridge.

id bridge shall be constructed with a double , not less than eighteen feet in width in the hall also be constructed with a draw not less eet in length, so as to give a clear passage wn up, of eighty feet, and said draw shall be ll times for the passage of all rafts, boats, or afts, free of all charge, and without unneces- How constructed.

Provided, The track of said draw may be sin- ss than twelve feet in width. Proviso.

is act shall take effect and be in force from passage.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.
April 1, 1852.
EONARD J. FARWELL.

---

act to provide for the election of State Prison Commissioners. and of the session laws of 1851, approved March 19th, 1852, and to au- or to appoint one or more State Prison Commissioners.

Chap 195

of the State of Wisconsin represented in ssembly, do enact as follows:

An act to provide for the election of state ssioners, and amend chapter 287 of the session , approved March 19th, 1852, is hereby re- Act repealed.

Governor to appoint commissioners.

SEC. 2. The Governor shall have authority to one or more commissioners not exceeding three, to tend and to take charge of the state prison; and offices created by chapter 287 of the session laws are hereby abolished.

J. McM. SHAFTER,
Speaker of the A
E. B. DEAN, JR.
President pro tem. of the

Approved, April 1, 1852.
LEONARD J. FARWELL.
[*Published, April*

An Act to amend an act entitled "An act to amend the charter of the Ro ley Union Rail Road Company," approved March 11, 1851, and to autho pany to extend their road.

The people of the State of Wisconsin repres Senate and Assembly, do enact as follows:

SECTION 1. The said company shall have the enter upon any lands to survey and lay down thei

How damages settled.

the width provided in the act to which this [is] am and also to enter upon any lands adjoining said obtain therefrom earth, gravel, stone and other necessary for the construction of said road, and any land or materials shall be required for the co of said road, and the same shall not be given or g the said company, the compensation to paid ther be ascertained as follows: the commissioners, G Williston, Charles Billinghurst, and Orrin Densm tofore appointed by the judge of the circuit co first circuit, and their successors shall proceed, at th of the said company, to assess the damages whic sustained by the several owners or claimants of t through which the road of the said company is loc shall give, or cause to be given, to the owner or claiming damages, four days' notice of their m appraise and assess the damages for taking of land which the said road may run to the person or pe titled to the same.

SEC. 2. The said company before opening th through enclosed ground shall erect such fencing preserve such enclosure entire, and shall before t

To make fence.

mence to use their road as a railroad, erect a good ficient fence on both sides of the said road, through enclosed ground, and shall maintain the same.

SEC. 3. The notice mentioned in the first sectio

ved upon the owner or occupant of the land, How notice served.
a copy to him or leaving the same at the
e or place of business of the said owner or oc-
me person of suitable age and discretion.
case that the owner shall be a minor, insane Proceedings in case owner is incompetent.
ried woman, then it shall be sufficient to
notice on the guardian of said minor, com-
insane person, said married woman and her

there shall be incumbrances upon the land Proceedings in case land is encumbered.
said road, it shall be sufficient for the said
posit the amount of the award with the clerk
f the county where the land lies, and the
of the said clerk upon the duplicate award
on of the company, shall be legal evidence
t of the said award.
e said clerk shall pay over to the said owner Clerk to pay over award.
nt so deposited, upon the said owner pro-
the certificates of the register of deeds, and
e board of supervisors and clerk of the court
where the land lies, that the title to the said
said claimant or owner, and that there are
es upon the same.
shall be the duty of the said commissioners
lplicate statements of their award, and de- Commissioners to make duplicate statements
to be delivered, one to the owner or occupant, of award.
e said company, and shall acknowledge the
and deliver the same to said company, which
shall be recorded in the office of the register
e county in which the land lies.
e recording of the said statement of award How easement vested in company.
ent or tender of the amount thereof to the
case of incumbrances, the deposit with the
led in the sixth section, shall vest in the said
easement of the said land so taken for the
the said road, and the said company shall
sive right to the perpetual use of the same
ose of erecting, maintaining, running and
road for all the purposes of a rail road.
hen an assessment shall have been made to Proceedings in case of incompetency of owner.
ane person, it shall be sufficient for the said
y the amount of the said award into the pro-
said court to be disposed of according to law.
there shall be no occupant upon the land Commissioners to give notice.
the said road is located, and in case the
t reside in the county where the land lies,
sufficient for the said commissioners to give

four weeks notice of their meeting to assess the said damages, in a newspaper published in said county, and in case there is no newspaper published in said county, then in a newspaper at the seat of government.

How vacancy filled.

Sec. 11. In case any, or all of the said commissioners, shall at any time die, resign, or for any other cause fail to execute the duties required of them, it shall be the duty of any judge of the supreme court of this state to appoint other persons as commissioners to perform the said duties:

Proviso.

Provided, That the judge appointing such commissioners shall have no stock in said company, nor be in any manner interested in the same, and that the said commissioners shall hold no stock in the said company nor be in any wise interested in the same.

To give notice of application to fill vacancy.

Sec. 12. Said company shall apply to any of the said judges for the supplying the said vacancies in the said commission, and shall give four weeks notice of their application, in one or more newspapers in each of the counties through which the said road is located, and in case no newspaper is published in any of the said counties, the said notice shall be published in one of the newspapers at the seat of government.

Certificate of judge to be *prima facie* evidence of notice.

Sec. 13. In any suit in any court in this state, either in law or equity, in which the said appointment of the said commissioners, George H. Williston, Charles Billinghurst, and Orrin Densmore, or their successors, shall come in question, the written order or certificate of the judge of the circuit court of the first circuit, or of any other judge of the supreme court of this state, shall be *prima facie* evidence that the requisite notice has been given, and that the said appointment is in all respects legal and regular.

Appeal may be taken.

Sec. 14. After any assessment has been made, and the written statement of the award delivered by the commissioners, either party feeling himself aggrieved may appeal to the circuit court of the county where the land lies, within twenty days after the delivery of the said statement.

Company to execute bond.

Sec. 15. In case either party shall appeal from the award of the said commissioners, the said company shall within ten days after notice of the appeal, to be served according to the rules and practice of the courts, cause to be executed a bond, signed on behalf of the company by an authorized agent or attorney of said company, and also by one or more persons as sureties, who shall justify their responsibility on oath, before some officer authorized to administer oaths, in three times the amount of the said award.

Condition of bond.

Sec. 16. The condition of the said bond shall be, to pay any sum that may be found on the trial of the said appeal

ıe said claimant, together with the costs of

In case of appeals by a claimant, if the judg- How judgment rendered.
e for a less sum than the said award, the said
ll be entitled to receive the surplus in the
said clerk, and if the said appellant shall not
e than five dollars on the trial of the said ap-
the said company, the said company shall re-
ts against the said appellant.

If the said company shall comply with the When land to vest in company
n case of appeal, and shall have recorded the
tement of award, the land taken for the con-
he said road, shall vest in the said company as
this act.

On the trial of any appeal case, from the award How jury to be governed.
ommissioners, or hereafter to be made, the jury
as the case may be, shall in assessing the dam-
erned by the provisions of the act relating to
shall in all cases exclude from their consider-
cing of the road through the land taken for
tion of the said road where said road runs
osed grounds.

No injunction shall be allowed to issue against No injunction allowed without notice of application.
pany without the complainant shall give ten
of application for the same.

he circuit courts in and for the counties through Courts to have power to make rules, &c.
oad is located shall have full power to make
they shall see fit, touching appeals taken un-
sions of this act.

Said company shall have power to extend their Powers to extend road.
point of intersection on the Wisconsin river
e of LaCrosse in the county of LaCrosse, and
to Willow River and St. Croix Falls, in the
Croix: *Provided*, That any other road may Proviso.
ı and enter upon said road, and run trains of
nsport passengers and merchandize, and all
y of any and all kinds whatsoever, upon such
y be agreed upon by the companies making
n, or by three commissioners to be appointed
ne court upon application of either party, and
tice as said court may direct.

The said company shall commence the con- How right to extension forfeited
he said extension from the Wisconsin river to
thin two years, and shall complete the same
ears from the passage of this act, or shall for-
to make such extension.

Said company shall have power and authority

in their discretion to increase its capital stock
ions of dollars.

When act to take effect.

Sec. 25. This act shall take effect so soon a
of directors, by a resolution shall assent to the s
of which resolution certified under the seal
company shall be deposited with the secretary

J. McM. SHAFTER,
Speaker of the
E. B. DEAN, Jr.,
President pro tem. of t

Approved, April 1, 1852.
LEONARD J. FARWELL.
[*Published Ap*

Chap 197

An Act to authorize town clerks to administer oaths, and to require th
rity for the faithful performance of their official duties.

The people of the State of Wisconsin rep
Senate and Assembly, do enact as follows:

Clerks authorized to administer oaths.

Section 1. Whenever any oath or affidavi
be required or authorized by law, (except oath
and witnesses in the trial of a cause, and such
as are required by law to be taken before pa
cers,) the same may be taken before a town clerk
certified by said clerk to have been taken befor
be read and used in any court of law or equity
or not of record in this state, and before any of
state.

To give surety for faithful performance of duty.

Sec. 2. Every person hereafter elected or a
the office of town clerk in any of the towns of
shall before he enters upon the duties of his
within the time prescribed by law for filing his
fice, execute an instrument in writing with two
ficient sureties, to be approved by the town treas
writing shall be in substance as follows: A. B
appointed) town clerk in the town of
and E. F., his sureties, do hereby agree to pay
town, or to each and every person who may
thereto, all damages which said town or person
may sustain by reason of the loss of any chatte
or other paper required by law to be filed and
office of said clerk or by reason or neglect to p
unfaithful performance of official duty by said

Treasurer to endorse his approval, &c

Sec. 3. The town treasurer shall endorse on
ment his approval of the sureties therein name
the same in his office, and a copy of such instru
fied by the town treasurer, shall be *prima fac*

ion thereof by such town clerk and his sure-
urt in this state.

ne said town, or any person or persons sus- How damage re-covered.
ge by reason of the loss of any paper men-
second section of this act, or the neglect to
unfaithful performance of any duty therein
ay sue for and recover such damage in an ac-
psit against said clerk and his sureties, in any
jurisdiction of similar actions between other
vided, That all actions against a town clerk
es upon any such instrument, shall be prose-
four years after the expiration of the year for
n clerk named therein shall have been elected.

his act shall not be so construed as to make Not liable for loss by accident.
able in case of loss by fire or other unavoid-

J. McM. SHAFTER.
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.
April 1, 1852.
LEONARD J. FARWELL.
[*Published April* 10, 1852.]

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orporate the LaCrosse and Milwaukee Rail Road Company.

Chap 198

of the State of Wisconsin represented in
ssembly, do enact as follows:

That Timothy Burns, Samuel T. Smith, Ben- Commissioners.
ly, of LaCrosse county, Moses M. Strong, of
Thomas J. Moorman, of Portage county, John
lge county, Henry Weil and Patrick Toland, of
ounty, Hugh McFarlane, of Columbia coun-
ogan, of Jefferson county, Henry Shears, of
unty, Leonard J. Farwell, of Dane county,
Edwin H. Goodrich, Geo. H. Walker, Levi
Garriet Vliet, of Milwaukee county, be and
by appointed commissioners, under the direc-
ve of whom, subscriptions may be received to
ock of the La Crosse and Milwaukee Rail
y, hereby incorporated, and they may cause
pened, at such times and places as they may
purpose of receiving subscriptions to the
f said company, first giving thirty days' no-
nes and places of taking such subscriptions,
the same weekly in a public newspaper,
counties of La Crosse, Sauk, Columbia, Jef-

ferson, Dodge, Washington, Waukesha, and Milwaukee, or in such of said counties as there shall be a newspaper printed in.

Capital stock.

Sec. 2. The capital stock of said company shall be divided into forty thousand shares of one hundred dollars each, and as soon as five hundred shares of stock shall be subscribed, and five dollars on each share actually paid in, the subscribers of such stock with such other persons as shall become stockholders in conformity with the provisions of this act, their successors and assigns, shall be and they are hereby declared and created a body corporate and politic by the name and style of the "LaCrosse and Milwaukee Railroad Company," and by that name shall have perpetual succession, and shall have and enjoy all the privileges, franchises, and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing and conveying estates, either real, personal or mixed; they may make, have and use a common seal, and alter, break or renew the same at pleasure, and by that name they may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with, and generally may do and perform all and singular the acts and matters which to any corporation it shall lawfully appertain to do and perform for the well being of the said corporation.

Created body corporate.

When commissioners to close books.

Sec. 3. The said commisssioners, or a majority of them, after the said five hundred shares of stock are subscribed, shall close the books of subscription, and shall give at least thirty days' notice, in the newspapers hereinbefore mentioned, or in some three of them, one of which shall be printed in the city of Milwaukee, of the time and place by them appointed for the stockholders to meet for the purpose of electing seven directors, and the directors thus elected shall hold their offices until the next annual meeting of the stockholders for the election of directors and until other directors are elected.

Board of directors.

Sec. 4. All of the affairs of the said corporation shall be managed by a board of seven directors, who shall be stockholders, and who are hereby invested with all the powers of the said corporation; they shall be chosen annually by ballot at the annual meeting of the stockholders, (which shall be held on the first Wednesday of February,) by the stockholders of the said company on like notice as is herein prescribed for the first election of directors. The votes shall be delivered in person or by proxy duly authorized, and in all cases in which stockholders shall vote each share of stock shall be entitled to one vote, and in all elec-

rectors, those stockholders equal to the number
ed, having the greatest number of votes shall
and declared duly elected. The elections shall
ted in such manner as shall be prescribed by
s of the company. If from any cause an elec-
ectors should not be had at the time when by the
of this act it should be had, the same may be
other time, on thirty days' notice to be given
d, and until such election be had, the directors
eding year shall continue to act; and that the
hereby created shall not forfeit or lose any of
es, franchises or immunities, by the reason of
arity or want of such election. The board of
ay at any time increase or diminish the number
s to be elected at the next annual meeting of
s: *Provided*, The number shall not be less than Proviso.
ore than fifteen, and in case of such increase or
, the number to be elected shall be specified in
of election.

A majority of the board of directors shall con- General powers of directors.
orum for the transaction of any business; they
at such times and places, and be convened in
er as they shall decide upon; they shall elect,
one of their own number to be president, who
present, preside at all meetings of the directors,
absent, the directors may appoint a president,
The board of directors shall appoint a secreta-
er, and such engineers, superintendents, agents
officers as they may find necessary; fix their
ion, and may demand adequate security for the
of their respective duties and trusts, and fill any
hich may occur in their own board. The direc-
ave power to re-open the books for subscription
al stock of the company, or open new books un-
wn direction or the direction of a majority of
nder the direction of such person or persons as
esignate; to decide upon the amount to be paid
scription, the time and manner and proportions
e stockholders shall pay subsequent installments
espective shares, and to forfeit to the use of the
he share or shares of any person failing to pay
nents so required; to regulate tolls and charges
nsportation of freight and passengers; to make
ants, contracts and agreements with any person
co-partnership or corporation whatsoever, as the
nd management of the works and the conven-
nterests of company may require; to make any

contract or agreement which they shall think pr
any other railroad company for the leasing or pu
the whole or any part of any railroad constructed
constructed by such railroad company; to mak
tablish such by-laws, rules, orders, and regulation
consistent with the constitution and laws of th
States, or of this state, as they shall think necessa
well ordering of the affairs of said company, an
eral to superintend and direct all of the operations
disbursements, and all other affairs and proceedin
company.

To issue certificates.

Sec. 6. The directors shall issue a certificate
cates to the stockholders for the number of share
them respectively, in said corporation signed by
dent and secretary and sealed with the common s
company, subject, however, to all the payment
to grow due thereon, which stock shall be transf
such manner as shall be provided by the by-la
company.

To exhibit statement.

Sec. 7. At each annual meeting of the sto
for the election of directors, the directors of the
year shall exhibit to the stockholders a complete
of the affairs and proceedings of the company for
Special meetings of the stockholders may be cal
der of the board of directors, or by stockholde
one-fourth in amount of the capital stock, on like
that required for annual meetings, specifying the
the meeting.

Power to locate road, &c.

Sec. 8. The said company shall have powe
and construct a rail road with one or more ra
tracks from such point in the village of La Cros
county of La Crosse, to such point in the city of
kee as shall be determined upon by the board of
or from the said point in the village of La Crosse
to some point where the same shall intersect an
with some other rail road, running to the said cit
waukee; and the said company shall have powe
port, take, and carry property and persons upon
by the power and force of steam, of animals, or o
chanical or other power or of any combination
and to make, construct, and put in operation all su
rail roads, turn-outs, side tracks, and connecting
they shall think will promote the interests of the
and to erect and construct all such depots, statio
ware houses, car houses and shops, engine h
shops, toll houses, machine shops, and all othe
useful for the accommodation of said road, an

manufacture or purchase all necessary engines,
rs, and other conveniences for running said
they shall have power to connect the said rail
nch rail road with any other rail road or branch
this state, and to operate the same in connec-
uch other rail road or branch rail road, and to
rchase from any other rail road company the
any part of any rail road or branch rail road
uch company, or to lease or to sell to any other
he whole or any part of the rail road or any of
s to be built or owned by this company.

The said company is hereby authorized and
wered in its corporate capacity, to borrow any
oney from any person or persons, corporation or
e of any kind, and for any rate of interest which
eed upon by and between said company and
or party of whom such money may be obtain-
v on the subject of usury in this state or any
where such transactions may be made, to the
twithstanding; and to make, execute, and de-
cessary writings, notes, bonds, mortgages, or
s and securities, in amount and kind as may be
pedient by said corporation in consideration of
an, or in discharge of any liabilities that it may
e construction, repair, equipment, or running of
and the powers of the said corporation for the
oresaid, and for all purposes necessary to car-
ne object of said company, namely: the con-
a rail road from and to the points aforesaid,
ratified and confirmed; and the contracts and
of said company declared binding in law and
said corporation, and upon all other parties to
cts.

May borrow money.

If said corporation shall not within three years
ssage of this act, commence the construction of
ad, and in ten years from the time aforesaid
ne same, then the rights, privileges, and powers
oration under this act, shall be null and void.

How charter forfeited

It shall be lawful for said company, their offi-
ers, and agents, to enter upon any land for the
exploring, surveying, and locating the route of
ad, doing thereto no unnecessary damage, and
aid route shall be determined by said company,
awful for them, their agents, officers, engineers,
and servants, at any time to enter upon, take
of, and use such land not exceeding one hun-
n width along the line of said route; subject,

May enter upon lands.

however, to the payment of such compensation a
pany may have agreed to pay therefor, or shall
tained in the manner hereinafter provided in s
respectively, and it shall further be lawful for sa
ny, by their officers, engineers and agents, to en
lands adjacent to the rail road, beyond the limits
in this act, when necessary for the purpose of er
pot buildings, station houses, and necessary fi
the operation and the business of said road, an
purpose of making drains and giving a proper di
water courses, across or along said road, when
are necessary, beyond the limits of said road, and
all substances and things which might endanger
or interfere with the free use of said road, and
earth, gravel, and stone taken from deep cuts,
tain earth, gravel, and other materials for emb
and structures necessary to the construction and
said road, doing however, no unnecessary dam
all damage which shall be done to any lands or
under the provisions of this section, shall be as
and paid for in the manner and agreeably to the
of this act; and when such damage shall have
or tendered, the title to the land occupied by su
ing, fixtures, excavations, and embankments, sha
fee simple in said company, agreeably to the
contained in this act; and it shall further be lawf
company to purchase and hold in fee simple, lan
ing or adjacent to the rail road for the purpose of
earth, gravel or other material for embankment
tures necessary to the construction and repairs of
and necessary buildings; and whensoever such l
be no longer needed for the purposes aforesaid,
company is hereby authorized to sell and convey

State land granted to company.

SEC. 12. In case the said company shall locate of their rail road on any lands belonging to the said lands to the extent of one hundred feet in wi the line of said road, are hereby granted to said in fee simple, together with such other lands a said rail road beyond the limits of said one hun as shall be necessary for the purpose of erect houses, buildings, station houses, and necessary fi of obtaining earth, gravel, or other materials fo ments and structures necessary to the constructio pairs of said road; and the said company is herel ized and empowered to construct their said rail its branches in sections, as fast as they may o means of so doing, and the franchise of the p

and put in operation, shall vest in said company
s though the whole were completed; and if any
ion of land shall be made to the state by con-
d in the construction of a rail road between the
esaid, such proportion of the whole quantity of
propriated as the length of the section or sections
bears to the whole length of the surveyed line
road, is hereby granted to the said rail road
and upon the completion of such section or sec-
vest in fee simple in said company; and the
anted shall be such of the lands appropriated
s as aforesaid, as shall lie most contiguous to the
sections so completed as aforesaid.

The said company shall have the right to en-
ıy lands required for their use as provided in the
ection of this act, and to survey and lay out said
xceeding one hundred feet in width, and the
ıny shall if possible agree with the owner of said How damages to be settled.
the amount of compensation to be paid for said
ther such person shall own or possess the legal
e title to the same, or any lien or incumbrance
e; and if the person or persons owning or pos-
h legal or equitable title, lien, or incumbrance
minor, *non compos mentis*, insane, or married
under any legal disabilities, then with the guar-
ch person, or the husband of such married wo-
if said company cannot agree with such owner,
ch guardian or husband, then such question of
ion shall be submitted to arbitration in the man-
ng, to wit: the said company shall select a dis-
arbitrator, and such owner, guardian, or husband
another who shall be disinterested and not of
, or if they should refuse or neglect for the space
ys after being notified by said company to do
ey be non-residents of this state, they shall be
mail, by letter, signed by the secretary and ad-
their usual place of residence, to select such ar-
d if they shall refuse or neglect for the space of
after mailing of such letter, then in all cases of
refusal as aforesaid, the judge of the county court
n of the county board of supervisors of the coun-
such land shall lie, shall appoint three compe-
s to act as arbitrators, who shall not be of kin
nant, or in any manner interested in said com-
the said arbitrators having first determined that
essary to take said property, shall proceed to
ward of the amount of compensation which shall

be paid by said company to such person for the
taken, and shall deliver a copy of their award i
to each of the parties, and if the amount awarded
arbitrators shall be more than said company had p
offered to pay, then said company shall pay all th
ses of said arbitration; and if it shall be less, then
er party shall pay such costs. And either party m
Appeal may be taken. in ten days after receiving a copy of such award
from the same to the court of the proper jurisdi
the county in which such land is situated, by givi
ten notice of such appeal to some one of the ar
and upon receiving such notice of appeal it sha
duty of the arbitrators to certify all their procee
said court, and the said court shall enter said ca
docket, setting down the claimant or claimants as
and the said company as defendant, and the sa
shall proceed to ascertain the amount of compen
be paid by said company to said complainant, ta
consideration all the facts and circumstances w
arbitrators were by this act required to take into
ation, and the said court shall thereupon proceed
judgment in favor of such complainant, against s
pany, and if the amount so found for such claim
exceed the amount so found by said arbitrators, th
ment shall be rendered against said company
and if it shall not exceed the amount so found by
bitrators, then judgment shall be rendered in favo
company for costs, and against said claimant. A
such compensation so to be ascertained accordin
provisions of this section, shall be paid or tender
party entitled to the same, the title to said la
vest in the said company in fee simple, and a copy
award or judgment, filed in the office of the re
deeds of the county in which the lands lie,
sufficient evidence of such title: and the said
shall have full power and authority pending all s
ceedings, and until they shall refuse to pay the co
tion so to be ascertained as aforesaid, to use, occ
enjoy the peaceable and uninterrupted possessio
lands for all the lawful purposes of said corporat
they shall not, while such proceedings shall be pe
until such refusal, be disturbed in such possession,
cupancy, and enjoyment, by any proceeding eith
or in equity.

May construct road on highway SEC. 14. The said company may construct the
road across any public or private road, highway, s
water, or water course, if the same shall be neces

ompany shall restore such road, highway, stream
r water course, to its former state, or in a suffi-
ner not to impair the usefulness of said road,
stream of water, or water course, to the owner
ublic.

. On the completion of said rail road or any
the track not less than five miles, it shall and
wful for the company to demand and receive
or sums of money for passage and freight of per-
roperty, as they shall from time to time think
.

May demand freightage.

. If any person shall willfully and knowingly
lestroy the rail road so to be constructed by said
or any part thereof, or any work, building, or
attached to, or in use upon the same belonging
npany, or shall willfully and maliciously place
ction or thing upon the track of said road, such
persons so offending, shall each of them for every
ce, forfeit and pay a sum not exceeding three
amount of damages caused by such offence,
y be recovered in the name of the said company,
of debt in any court having competent jurisdic-
county wherein the offence shall be committed,
also be subject to indictment, and upon convic-
y such offence shall be punished by fine and im-
t, or either, at the discretion of the court.

Penalty for injury to road.

The property of every individual invested in
ration shall be liable to be taken in execution for
nt of his or her debts, in such manner as is or
rovided by law: *Provided*, That all debts and
ock due said company shall be first paid.

Property liable for debts.

Proviso.

This act is hereby declared to be a public act
be favorably construed to effect the purpose
tended, and copies thereof printed by authority
, shall be received as evidence thereof in all cases.

Public act.

This act shall take effect and be in force from
ts passage, and all acts and parts of acts con-
th the provisions of this act, or with the rights,
and franchises hereby created, are hereby re-

Conflicting acts repealed.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

ed, April 2, 1852.
LEONARD J. FARWELL.

[*Published, April* 14, 1852.]

Chap 199

An Act to appropriate to M. L. Sayles the sum of money therein na

The people of the State of Wisconsin, repres Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Sayles, out of any money in the treasury not othe propriated, the sum of sixteen dollars in full payn satisfaction for moving William S. Dewell, a state from the county jail in Dodge county to the state Waupun, and for all necessary expenses incurred the same.

J. McM. SHAFTER,
Speaker of the As
E. B. DEAN, JR.,
President pro tem. of the

Approved, April 2, 1852,
LEONARD J. FARWELL.

Chap 200

An Act to appropriate to Reed & Whittemore the sum therein nam

The people of the State of Wisconsin repres Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Whittemore the sum of one hundred and sixty-fou and fourteen cents, out of any money in the state not otherwise appropriated, in full for stationery f state officers up to February 7th, 1852.

J. McM. SHAFTER,
Speaker of the As
E. B. DEAN, JR.,
President pro tem. of the

Approved, April 2, 1852.
LEONARD J. FARWELL.

Chap 201

An Act appropriating to Jerome R. Brigham a sum therein name

The people of the State of Wisconsin repres Senate and Assembly do enact as follows:

SECTION 1. There is hereby appropriated to Je Brigham the sum of seventy-three dollars and seve cents, in full for clerk's fees in state suits, in court, at the June term, 1851, and for certifying t

s of court to the several counties, to be paid out
ney not otherwise appropriated.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

ed, April 2, 1852.
LEONARD J. FARWELL.

---

ct to appropriate to Weed & Eberhard the sum therein named.

Chap 202

ple of the State of Wisconsin represented in l Assembly do enact as follows:

1. There is hereby appropriated to Messrs. Eberhard, out of any money in the state treasury vise appropriated, the sum of one hundred and s and fifty cents ($105 50) in full of account e state, from the seventeenth day of January, A. o the fourth of March inclusive, in the same

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

ed April 2, 1852.
LEONARD J. FARWELL.

---

e the jurisdiction of the State of Wisconsin over the land therein described to the United States.

Chap 203

ple of the State of Wisconsin represented in l Assembly, do enact as follows:

1. That the jurisdiction of the state of Wis- r all that tract of land in the county of Manito- id state, which is described as follows, to wit: ouse property at or near Two Rivers, in the coun- e aforesaid; the site, if selected in the village, ed to four lots, and if out of the village, to ten and, be and the same is hereby ceded to the tes, for the purpose of erecting and maintaining ouse on the same: *Provided*, That this act manner take away or interfere with the juris- his state for the purpose of serving or executing rocesses.

Land ceded to U S.

SEC. 2. This act shall take effect from and
passage.

J. McM. SHAFTER,
Speaker of the A
E. B. DEAN, JR.,
President pro tem. of the
Approved, April 2, 1852.
LEONARD J. FARWELL.
[*Published April*

Chap 204 An Act to authorize and require the town superintendent of Hartford to amount of money to school district number four, and to other districts

The people of the State of Wisconsin repres
Senate and Assembly, do enact as follows:

SECTION 1. The town superintendent of the
Hartford, Washington county, is hereby authorize
quired to apportion, from any money which sha
Authorized to apportion money ceived by him for school purposes, for the year o
sand eight hundred and fifty-two, to school district
four, in said town, and pay, on the order of the tre
said district and of the treasurer of other district
named, the amount of money which should ha
apportioned in the year one thousand eight hund
fifty, to said districts number four, and to other
in said town that made returns in the same ma
shown by the returns made to the said town su
dent by the clerks of said school district number
other districts above named, in the year one
eight hundred and forty-nine.

SEC. 2. This act shall take effect from and
passage.

J. McM. SHAFTER,
Speaker of the A
E. B. DEAN, JR.
President pro tem. of the
Approved, April 2, 1852.
LEONARD J. FARWELL.

An Act to appropriate to John Eberhard the sum of money therein

Chap 205 *The people of the State of Wisconsin repres*
Senate and Assembly do enact as follows:

SECTION 1. There is hereby appropriated to Jo
hard the sum of three hundred and sixteen do
ninety-five cents ($316 95) in full of account ag

e twenty-first day of May, one thousand eight
fifty-one to the fifteenth day of January, one
ht hundred and fifty-two, out of any money
reasury not otherwise appropriated.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

April 2, 1852.
EONARD J. FARWELL.

---

riate to Fratney & Hertsberg the sum of money therein named.

Chap 206

e of the State of Wisconsin represented in Assembly, do enact as follows:

There is here appropriated to Messrs. Frat-
berg out of any money in the state treasury
appropropriated, the sum of ninety-six dol-
account against the state for publishing gen-
nber four, two months, and for fifty-one copies
freund furnished the senate and assembly,
red copies of the governor's message in Ger-
nslating the same) during the session of 1852.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

April 2, 1852.
LEONARD J. FARWELL.

---

appropriate to Nathan R. Allen the sum therein named.

Chap 207

e of the State of Wisconsin represented in Assembly, do enact as follows:

There is hereby appropriated to Nathan R.
f of the county of Kenosha, one hundred dol-
ayment for doing execution upon the body of
ey, on the 21st day of August, 1851.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

April 2, 1852.
LEONARD J. FARWELL.

Chap 208 An Act appropriate to A. J. Ward the sum of money therein nam

The people of the State of Wisconsin, repres Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to A. the sum of twelve dollars and seventy-five cents out of any money in the state treasury not othe propriated, in full of account against the state, 25th of October, one thousand eight hundred and to the 28th of February, in the year of our Lord sand eight hundred and fifty-two.

J. McM. SHAFTER,
Speaker of the As

E. B. DEAN, JR.,
President pro tem. of the

Approved, April 2, 1852.
LEONARD J. FARWELL.

Chap 209 An Act to appropriate to Billings & Carman the sum therein nam

The people of the State of Wisconsin repres Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Bi Carman the sum of nine dollars and thirteen cent for repairs made in and about the capitol, to March one thousand eight hundred and fifty-two, out money in the treasury, not otherwise appropriated

J. McM. SHAFTER,
Speaker of the As

E. B. DEAN, JR.
President pro tem. of the

Approved, April 2, 1852.
LEONARD J. FARWELL.

Chap 210 An Act to appropriate to Abraham Manning the sum therein nam

The people of the State of Wisconsin repres Senate and Assembly, do enact as folllows:

SECTION 1. There is hereby appropriated to A Manning the sum of eleven dollars, in full for w labor performed in and about the capitol, to Ma

usand eight hundred and fifty-two, out of any
e treasury not otherwise appropriated.

J. McM. SHAFTER,
Speaker of the Assembly.

E. B. DEAN, Jr.
President pro tem. of the Senate.

April 2, 1852.
EONARD J. FARWELL.

---

ppropriate to Alexander ⊕. McBride the sum therein named.

Chap 211

e of the State of Wisconsin, represented in Assembly, do enact as follows:

There is hereby appropriated to Alexander
the sum of two hundred and fifty-one dollars
cents, in full for wood furnished the capitol to
28th, 1852, out of any money in the treasu-
vise appropriated.

J. McM. SHAFTER,
Speaker of the Assembly.

E. B. DEAN, Jr.
President pro tem. of the Senate.

April 2, 1852.
EONARD J. FARWELL.

---

t for the relief of certain School Districts therein named.

Chap 212

le of the State of Wisconsin represented in Assembly, do enact as follows:

. The treasurer of school districts number
in the town of Dunkirk and county of Dane, To make new statement.
uthorized to make a new statement of the un-
said districts, for the year one thousand eight
fifty, and to make return of the same to the
nd such statement and return shall be in form
e as is required by the seventy-first section of
ng to common schools.

The town clerk of the above said town of Dun-
by authorized to enter the above said unpaid To enter taxes on assessment roll.
next assessment roll of the town, to be collect-
ne manner as town and county taxes are collect-
en collected, to be paid over to the town su-
of said town, who shall pay the same over to

to the treasurer of the district in which said ta
originally assessed.

J. McM. SHAFTER,
Speaker of the A
E. B. DEAN, JR.
President pro tem. of the

Approved, April 2, 1852.
LEONARD J. FARWELL.

[*Published April*

Chap 213

An Act to provide for the apportionment of Library Money among Schoo the year 1852.

The people of the State of Wisconsin repre Senate and Assembly, do enact as follows:

To apportion library money.

SECTION 1. It shall be the duty of the town su dents of the several towns of this state, to appo library money to the several districts of their seve in the same manner as they would have done if tricts had complied with the provisions of section of chapter nineteen of the revised statutes rela brary money and library regulations.

SEC. 2. This act shall continue in force unti Monday in June next, and no longer.

J. McM. SHAFTER.
Speaker of the A
E. B. DEAN, JR.
President pro tem. of the

Approved April 3, 1852.
LEONARD J. FARWELL.

[*Published April*

Chap 214

An Act in relation to the admission of Attorneys.

The people of the State of Wisconsin repre Senate and Assembly, do enact as follows:

Attorneys of supreme court of Illinois authorized to practice in this state.

SECTION 1. That any citizen of the United S thorized to practice as an attorney in the supreme the state of Illinois, may be admitted to practice torney and counsellor and solicitor in chancery in of record in this state, on motion signed by such p

with an affidavit that such person is of good
cter, and a resident of said state of Illinois.

J. McM. SHAFTER,
Speaker of the Assembly.

E. B. DEAN, Jr.
President pro tem. of the Senate.

l April 3, 1852.
LEONARD J. FARWELL.
[*Published, April* 28, 1852.]

---

ze the Town Superintendent of the Town of Green Lake to apportion
ol moneys to School District Number Two, in said town.

Chap 215

le of the State of Wisconsin represented in
Assembly, do enact as follows:

1. The town superintendent of the town of
e, Marquette county, is hereby authorized and
the next apportionment of school moneys in
o apportion to school district number two (2) in
uch share of such school moneys as it would be
f the whole amount said district received for
r from the income of the school fund had been
or teachers' wages.

Superintendent to apportion money.

This act shall take effect from and after its

J. McM. SHAFTER,
Speaker of the Assembly.

E. B. DEAN, Jr.
President pro tem. of the Senate.

l, April 3, 1852.
LEONARD J. FARWELL.

---

title twenty-two, chapter eighty-six, section seventeen of the Revised Statutes.

Chap 216

le of the State of Wisconsin represented in
Assembly, do enact as follows:

1. That title twenty-two, chapter eighty-six,
nteen, of the revised statutes, be and the same
amended that the demand for a jury may be
y time between the joining of issue and the com-
of the trial, notwithstanding an adjournment of
ay have intervened.

SEC. 2. This act shall take effect from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, April 3, 1852.
LEONARD J. FARWELL.

[*Published, April* 28, 1852.]

Chap 217 An Act to authorize the Board of Public Works to construct a Draw Bridge across the Portage Canal.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Authorised to construct bridge

SECTION 1. The board of public works, for the improvement of the Fox and Wisconsin rivers, are authorized and instructed to make a contract for the construction of a draw bridge across the Portage canal, and to locate the same on Main Street, in what is called Portage City, in the town of Fort Winnebago; said point of location is known to the traveling public as being upon the main road to the Wisconsin pinery.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved, April 3, 1852.
LEONARD J. FARWELL.

Chap 218 An Act authorizing Fordyce S. Richards to establish and maintain a Ferry across the Mississippi river at the foot of Lake Pepin.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

May keep ferry.

SECTION 1. That Fordyce S. Richards, his heirs, executors, administrators, or assigns, shall have the right and privilege, for the period of ten years, of keeping and maintaing a ferry across the Mississippi river, in the county of Chippewa, at or near the foot of Lake Pepin, and no other ferry shall be established within one mile of said ferry, either above or below the same.

To provide boats

SEC. 2. Said Fordyce S. Richards shall, at all times keep good boats in good repair, sufficient for the accommodation of all persons wishing to cross at said ferry, and shall give prompt and ready attendance on passengers or teams, on

ons and at all times, both at night or day; but crossing said ferry after nine o'clock at night, harged double the fare hereinafter prescribed.

Rates of ferriage

The rates charged for crossing at said ferry exceed the following: for each foot passenger, fif-; for each horse or mule, with or without rider, ; for each ox or cow, fifty cents; for each two ox, or two mule team, loaded or unloaded, with e dollar; for each single horse carriage, seventy-; for each swine or sheep, four cents; all freight , merchandize, or other articles not in teams, at f ten cents per barrel, fifty cents per thousand nber, and five cents per one hundred pounds for rticles.

To file bond.

The said Fordyce S. Richards shall, within six ter the passage of this act, file or cause to be filed clerk of the board of supervisors of Chippewa (*to*) [of] the county to which Chippawa county is or judicial purposes, a bond to the said board, or more good and sufficient sureties, to be ap- said board, in the penal sum of one thousand onditioned that he will fulfill all the duties that ed upon him by this act; and in case of his failure he shall forfeit all the benefits that might have o him by the passage of this act.

Penalty for neglect.

For any neglect in keeping good and sufficient ailure to give prompt and due attendance upon , the said Fordyce S. Richards shall forfeit a sum ling twenty dollars, to be recovered by an action efore any court having competent jurisdiction, be further liable in an action on the case, for all ny person may sustain by reason of the failure chards to fulfill any of the duties imposed upon is act.

Penalty for injury.

Any person who shall sustain any injury by the e or default of said Richards, or of the ferrymen loy, may have a remedy by an action on the ired by this act.

The legislature may, at any time alter, amend, his act.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

ed, April 3, 1852.
LEONARD J. FARWELL.

[*Published April* 28, 1852.]

Chap 219 An Act to amend an act entitled An Act to incorporate the Milwauk Lac Plank Road Company.

The people of the State of Wisconsin repre Senate and Assembly, do enact as follows:

May borrow money.

SECTION 1. The Milwaukee and Fond du l Road Company are hereby authorized and empo their corporate capacity, to borrow any sum or money from any person or persons, corporatio politic of any kind, and for any rate of inter may be agreed upon by and between said com any person or party of whom such money may be and make and execute in their corporate capacit all necessary writings, notes, bonds, or other p make, execute, and deliver such securities in a kind as may be deemed expedient by said corpor law on the subject of usury in this state or any o where such transaction may be made, to the con withstanding.

May purchase land.

SEC. 2. It shall be lawful for said company to lands adjoining or adjacent to the road, for the procuring earth, gravel, or other material for emb and structures necessary to the construction and said road and necessary buildings; and when lands shall be no longer needed for the purposes the said company are hereby authorized to sell vey the same.

May increase board of directors.

SEC. 3. It shall be lawful for the stockholde company at any annual meeting for the purpose directors, to increase the number of directors to a majority of all the votes cast at such election necessary to make said increase in the board of

SEC. 4. This act shall take effect as soon aft sage as the said company by resolution of thei directors, shall give their consent to this amendm

J. McM. SHAFTER,
Speaker of the

E. B. DEAN, JR.
President pro tem. of th

Approved, April 3, 1852.
LEONARD J. FARWELL.

[*Published Ma*

An Act organizing the town of Muscoda. **Chap 220**

le of the State of Wisconsin represented in Assembly, do enact as follows:

. All of that district of country in Grant state of Wisconsin embraced within the limits number eight, (8,) fractional township number d the north half of township number seven, (7,) nge number one, (1,) west, is hereby constituted town, to be called the town of Muscoda. t annual town meeting in said town shall be house of James Moore in the village of Mus- Town organized

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

l, April 3, 1852.
LEONARD J. FARWELL.

[*Published, April* 28, 1852.]

---

orporate the Society of the Wisconsin Baptist State Convention. **Chap 221**

le of the State of Wisconsin, represented in Assembly, do enact as follows:

1. That all persons who now are or hereafter e members of the Wisconsin Baptist State Con- ll be and hereby are ordained, constituted, and be a body politic and corporate, under the tyle of the "Wisconsin Baptist State Conven- y that name they and their successors shall be aw, and shall be capable of suing and being ading and being impleaded, of answering and ered unto, of defending and being defended in omplaints, matters, causes, courts, and places both in law and equity, of acquiring by pur- device, or otherwise, and of holding and con- real, personal, or mixed property, necessary, xpedient for the object of this incorporation: That the amount of said estate shall not exceed ten thousand dollars. Created a body corporate.

The said corporation shall have full power and make and provide such by-laws, rules, ordi- regulations, and the same to alter, amend, and o them from time to time shall seem needful or ching the management and disposition of their Powers.

funds, touching the regular and special meetings of their conventions and their board of managers, the election of their officers, and touching any other matter or thing necessary or expedient for the good overnment and promotion of this incorporation, or which pertains to the business and objects of the same: *Provided*, That such by-laws, rules, ordinances, and regulations, are not repugnant to the constitution or laws of this state or of the United States.

Proviso.

Public act.

SEC. 3. This act is hereby declared to be a public act, and the same shall in all courts and places, be construed benignly and favorably for any beneficial purpose hereby intended.

First meeting.

SEC. 4. The first meeting of said corporation shall be held in Janesville, on Thursday following the first Sunday in October, 1852, at 7 o'clock, P. M.

SEC. 5. The legislature may alter, modify, amend, or repeal this act at any future session.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved April 5, 1852.
LEONARD J. FARWELL.

[*Published May* 13, 1852.]

Chap 222

An Act to incorporate the Milwaukee Musical Society.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Created a body corporate.

SECTION 1. The members of the Milwaukee Musical Society in the city of Milwaukee, and all persons who shall hereafter be associated with them as members of said society, are hereby created a body corporate by the name of the "Milwaukee Musical Society," for the purpose of promoting the cultivation of musical taste among its members, by frequent rehearsals and performances at concerts and on other suitable occasions, of the more solid, old, and new musical compositions; with the power for such purposes to take by purchase, devise, or otherwise, and to hold, transfer, and convey, real and personal property to the amount of thirty thousand dollars, and also to take, hold, and convey all such books, musical instruments, furniture, and apparatus generally, as may be necessary for attaining the objects and carrying into effect the purposes of said corporation; and also further, in their corporate name to

Powers.

sued, appear, prosecute, and defend all actions
to final judgment and execution, in any court of
ity, and to make by-laws and regulations, con-
h the laws of this state, for the government of
ration, and for the due and orderly conduct and
of its affairs, and the management of its prop-

Board of directors.

The control and disposal of the funds, property,
, and the general management of the affairs and
f the said corporation, subject to the directions
ctions contained in its by-laws and regulations,
ested in a board of directors, to consist of the
the vice president, the treasurer, the secretary,
l director, and two managers of the said corpo-
o shall be elected annually to their respective
such members of said society or corporation as
titled by the by-laws and regulations thereof, to
h elections.

How long present officers to remain in office.

The several officers of the said society at the
e passage of this act, shall continue to hold their
offices as officers of the corporation hereby cre-
the first day of May, one thousand eight hun-
ifty-two, and until their successors be elected and
and all personal property or funds or securities
by the said officers, or either or any of them, or
person or persons, in trust for the said society, or
or benefit of the same, including choses in ac-
by the terms thereof are payable to either or
said officers, or to any other person or persons
the said society, and including further, all sums
due to the said society or any officer thereof, for
benefit of the said society, from any member or
hereof, for fines or monthly dues in arrear and
all by virtue of this act vest in and become the
f, and may be sued for and recovered upon in
of the corporation hereby created; and the said
n shall assume and be liable for all contracts,
s, and responsibilities which have been entered
urred previous to the passage of this act, by the
the said society or any of them, lawfully acting
of said society.

When election to be held.

The annual election of officers of the said cor-
all be held on the first day of May in each year,
other day as the said corporation, in and by its
nd regulations, may appoint, notice of which
l cases be published in one German and in one

English newspaper published in the city of Mil
least one week previous to such election.

SEC. 5. The board of directors shall have po
May fill vacancies. vacancies in the several offices, and to appoint an
ure remove subordinate officers, agents, or serva
business or interest of the said corporation ma
opinion require.

SEC. 6. The present by-laws of the said soci
Present by-laws to continue. as the same are consistent with the provisions o
shall continue in force and govern and be bin
the corporation hereby created, subject, howe
right of the said corporation to alter or amend th

SEC. 7. The estate, property, and funds of th
How property evoted. tion hereby created, shall be devoted solely to t
purposes and objects specified in the first sect
act; and the personal property of the said corpo
all real estate that may become the property o
corporation, and shall be actually occupied by
purposes for which it was incorporated, shall
from taxation.

SEC. 8. This act shall take effect from an
passage.

J. McM. SHAFTER,
Speaker of the
E. B. DEAN, JR.,
President pro tem. of t

Approved, April 5, 1852.
LEONARD J. FARWELL.
[*Published, May* 1

Chap 223 An Act to appropriate to Robinson & Brother the sum of money the

The people of the State of Wisconsin, repre Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to and Brother, out of any money in the treasury wise appropriated, the sum of ten dollars and in full for publishing in the Green Bay Advoca rection of the secretary of state, advertisement t proposals would be received at the office of se state, for doing the state printing for the year 18

J. McM. SHAFTER,
Speaker of the
E. B. DEAN, JR.,
President pro tem. of th

Approved, April 5, 1852.
LEONARD J. FARWELL.

ate to William E. Cramer & Co. the sum of money therein named. **Chap 224**

e of the State of Wisconsin, represented in Assembly do enact as follows:

There is hereby appropriated to William Co., out of any money in the treasury not propriated, the sum of sixty-nine dollars and full for publishing in the Daily and Weekly y order of the secretary of state, "Notice to on canal mortgages," and judicial election no- econd judicial circuit in the year 1851.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

April 5, 1852.
EONARD J. FARWELL.

---

t to appropriate to D. Holt, Jr. the sum therein named. **Chap 225**

e of the State of Wisconsin represented in Assembly, do enact as follows:

There is hereby appropriated to D. Holt, of twenty dollars and seventy-five cents, out y in the state treasury not otherwise appropri- for stationery furnished state offices up to Feb- 52.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

, April 5, 1852.
EONARD J. FARWELL.

---

t to appropriate to H. H. Bailey the sum therein named. **Chap 226**

le of the State of Wisconsin represented in Assembly, do enact as follows:

There is hereby appropriated to H. H. Bai- ny money in the state treasury not otherwise , the sum of twenty-eight dollars and seventy- full for keeping Baptiste Rubadeau and O- ndians, from January first to February tenth

one thousand eight hundred and fifty-one, wh
sentence of death.

J. McM. SHAFTER,
Speaker of the A
E. B. DEAN, JR.
President pro tem. of the

Approved April 5, 1852.
LEONARD J. FARWELL.

Chap 227 **An Act to amend an act entitled. "An Act granting to Henry W. Kingsbu to keep and maintain a Ferry across the Wisconsin river."**

The people of the State of Wisconsin represent ate and Assembly, do enact as follows:

Act amended. SECTION 1. That section three of chapter three and seventy-nine of the session laws of 1851, enti act granting to Henry W. Kingsbury the right to maintain a ferry across the Wisconsin river," and March 15th, 1851, is hereby so amended as to pr licensing of any ferry within two miles below t where said ferry is established.

SEC. 2. This act shall take effect from and passage.

J. McM. SHAFTER,
Speaker of the A
E. B. DEAN, JR.
President pro tem. of the

Approved, April 5, 1852.
LEONARD J. FARWELL.

Chap 228 **An Act to appropriate to Lyman Chapin the sum therein nam**

The people of the State of Wisconsin repre Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated t Chapin out of any money in the state treasury n wise appropriated, the sum of forty-six dollars six cents in full for interest on canal bond num four from the 20th June, 1851, to the 20th Janua

J. McM. SHAFTER,
Speaker of the A
E. B. DEAN, JR.,
President pro tem. of the

Approved, April 5, 1852.
LEONARD J. FARWELL.

the official acts of the Town Clerk of Lansing, in the county of Outagamie.

Chap 229

of the State of Wisconsin represented in ssembly, do enact as follows:

That the official act of William Manahan, Act legalized. Lansing, Outagamie county, in giving notice special town meeting in said town, is and ereby declared legal and valid, and no busi- ed at such special town meeting shall be lid in consequence of any informality or de- tice.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

April 5, 1852.
EONARD J. FARWELL.

---

ppropriate to Edward H. Janssen a certain sum of money.

Chap 230

of the State of Wisconsin represented in Assembly, do enact as follows:

The sum of sixty-five dollars and forty-one y appropriated to Edward H. Janssen, to be ıy money in the state treasury not otherwise for balance of postage for the offices of the tate, state treasurer, and superintendent of tion, for the year 1851.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

April 5, 1852.
EONARD J. FARWELL.

Act to incorporate the Lake Hydraulic Company.

Chap 231

of the State of Wisconsin represented in Assembly, do enact as follows:

John Lockwood, James Kneeland, D. P. Commissioners. Gliddon, and Alexander Mitchell be and they ppointed commissioners, under the direction of whom subscriptions may be received to ock of the Lake Hydraulic Company, hereby and they may cause books to be opened at

such time and place as a majority shall direct, for
pose of receiving subscriptions to the capital stoc
company, first giving ten days' notice of the time
of taking such subscriptions, by publishing the
two daily papers printed in the city of Milwauke

SEC. 2. The capital stock of said company sha
hundred and fifty thousand dollars, in shares of
Capital stock. lars each; and as soon as one thousand shares of
stock shall be subscribed, and five per cent. paid
the subscribers of such stock, with such other p
shall associate with them for that purpose, their s
and assigns shall be and they are hereby declared
ated a body corporate and politic by the name an
"Lake Hydraulic Company," with perpetual su
Created body corporate. and by that name shall have all the privileges f
and immunities incident to a corporation; they sh
pable in law of contracting and being contracted
ing and being sued, defending and being defend
courts and places; they shall be capable in law of
ing, holding, selling, leasing, and conveying estate
real, or mixed, so far as the same may be necessary
er for the construction, extension, management an
ness of the works of said company, and for the g
ernment, of the same; they may have a comm
which they may alter and renew at pleasure, and
ly may do all and singular the matters and things
them it may lawfully appertain to do for the well
the said corporation.

SEC. 3. The affairs of said company shall be
Board of directors. by a board of five directors, who shall be chosen
each share of stock being entitled to one vote, th
be given in person or by proxy duly authorized;
rectors shall appoint one of their number presi
for the purpose of electing the first directors,
commissioners or a majority of them, after the st
have been subscribed as provided in the second
this act, shall give ten days' notice in the newspa
inbefore mentioned of the time and place by them
ed for the subscribers or stockholders to meet, for
pose of electing directors, and annually thereafte
second Monday of January, the stockholders sh
for electing directors as aforesaid: *Provided*, T
but stockholders shall be elected directors;
previous to the first election, the commissioners
fore named, shall elect one of their number presi
they may perform all the duties and be invested
the powers of directors.

majority of said board of directors shall Quorum.
quorum for the transaction of business. They
wer to make and establish by-laws, rules, or-
ulations as may be necessary for the manage-
affairs of said company, to make such cove-
cts, and agreements with any person or persons
, or body politic whatsoever, as the exe-
anagemnut of the works or the convenience
of the company require.

he said company shall have power and the ex-
and privilege of building water works in the
aukee, for supplying water to said city and Exclusive right vested in company.
s, to be taken from Lake Michigan, and for
xcavations, and completing such other work
cessary to convey water in pipes through all
lleys, highways, and commons now in said
may be added thereto; also, for crossing un-
er or stream of water now or hereafter to be
in the limits of said city as provided for in a
ered into between the city of Milwaukee and
ood, on the fourth day of February, A. D.
ied copy of which contract shall be placed on
ice of the secretary of state.

f said company shall not, within one year from How charter forfeited.
aid contract, commence the construction of
and fully complete the same within two years
nmencement of the same, so far as to put
essful operation, then the rights and privileges
f said corporation under this act, shall cease
nd void.

f from any cause an election for directors shall
t the time specified therefor, the same may be
other time upon ten days' notice published in When election not held on day fixed, may be held at any other time.
ereinbefore named; and until such election,
of the preceding year shall continue to act;
ter shall not be avoided by reason of any ir-
want of such election, and in case of vacancy
th or resignation of any director, his place may
he board of directors.

e stockholders holding a majority in value of May increase capital stock.
y, at any annual or special meeting, increase
ock of said company to an amount not exceed-
dred and fifty thousand dollars.

he property of every individual invested in
ion shall be liable to be taken in execution for Property liable for debts.
of his or her debts in such manner as is or may

be provided by law: *Provided*, All debts due the company shall be first paid.

May borrow money.

Sec. 10. The said company are hereby authorized, in their corporate capacity to borrow any sum or sums of money, from any person or persons, corporations or body politic of any kind, and make and execute, in their corporate name all necessary writings, notes, bonds, or other paper, and make, execute, and deliver such securities in amount and kind as may be deemed expedient by said corporation, for all purposes necessary in carrying out the objects of said company, and the official acts of said company declared binding in law and equity upon said corporation, and upon all other parties to such contracts.

Penalty for damage to works.

Sec. 11. If any person shall willfully and knowingly break, injure, or destroy, or cause to be done any act whatever, and thereby injure and destroy any building, machinery, pipes, or structures of any kind or anything appertaining to the works of said corporation, or whereby the same may be stopped, obstructed, or injured, the person or persons so offending shall be deemed guilty of a misdemeanor, and being thereof convicted, shall be punished by a fine and imprisonment, or either at the discretion of the court: *And provided*, Such criminal prosecution shall not in any wise impair the right of action of said company, for damages by a civil suit hereby authorized to be brought for any such damage or injury as aforesaid, by and in the name of said corporation, in any court having competent jurisdiction.

Proviso.

When act to take effect.

Sec. 12. This act shall be in force from and after its passage; and in case of a violation by the company of any of its provisions, or of the contract herein referred to, the legislature of the state may resume all and singular the rights and privileges hereby granted.

Public act.

Sec. 13. This act shall be favorably construed to effect the purpose thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state shall be received as evidence thereof.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 5, 1852.
LEONARD J. FARWELL.

[*Published, April* 29, 1852.]

n Act to incorporate the Kenosha Female Institute. Chap 232

e of the State of Wisconsin represented in Assembly do enact as follows:

That Samuel Hale, I. N. Stoddard, Otis n King, Volney French, E. S. Elkins, Pluto L. V. Yates, Josiah Bond, Thomas J. Rand, Gaskill, and their associates, together with as may hereafter become associated with them, cessors, are hereby created a body politic and h perpetual succession, by the name and style na Female institute, by which name they shall nown, for the purpose of the education of Created body corporate.

aid corporation shall have all the powers and l be subject to the restrictions and liabilities ty-four of the revised statutes of Wisconsin ral provisions relating to corporations, except rise provided by this act. Powers

e stock of said corporation shall be divided twelve dollars, which shall be deemed per- y, and shall be transferable on the books of ion in such manner as shall be directed by f said corporation, and at all elections and he company, each stockholder shall be enti- te for each share of stock owned by him. Stock to be transferable.

t the first legally notified meeting, the above r a majority of them, may organize by the president, secretary, and treasurer *pro tem*, ect such funds as may be subscribed, and is- cates of stock to those entitled, and the stock- nstituted shall have power at such times as elect by ballot ten trustees, five for one year wo years; and after the first election, five be elected annually: *Provided*, That all hold their offices until others are elected in How organised. Proviso.

e trustees shall have power to elect from a president, secretary, and treasurer, who r offices for one year and until their succes- d. The trustees shall also have power to other duties as their by-laws may require and rs direct. Officers.

e trustees and their successors shall have thority to grant such literary honors and de- sually granted by colleges and seminaries of he United States, and in testimony of such May grant literary honors.

grants, to give suitable diplomas under their sea
diplomas shall entitle the possessors respectively
munities and privileges which by usage or statu
lowed to the possessors of similar diplomas,
colleges and seminaries of learning.

May hold real estate.

SEC. 7. Said corporation shall have power to
estate sufficient for all necessary purposes conn
the institution.

SEC. 8. Every person who shall willfully in
disturb any assembly of students or females
Penalty for disturbance. tending said institute, either within the ground
to said institute or out of them, shall be puni
fine not exceeding twenty dollars nor less than f

SEC. 9. No religious test or qualification sh
No religious test quired of any trustees or officers of said corpo
of any of the teachers or students of the institu

J. McM. SHAFTER,
Speaker of the

E. B. DEAN, JR.,
President pro tem. of

Approved April 7, 1852.
LEONARD J. FARWELL.

[*Published Apr*

Chap 233

An Act to amend chapter fifty-nine of the Revised Statu

*The people of the State of Wisconsin rep
Senate and Assembly, do enact as follows:*

Court may order mortgage discharged.

SECTION 1. The circuit court of any county
mortgage is legally recorded, may make an ord
ing such mortgage of record, on proof being m
satisfaction of the court that the mortgage has
paid or satisfied, and that the mortgagee or his
a non-resident of the state or county where suc
is recorded, or is deceased, and in such case tha
administrator on his estate under the author
state.

Order to be recorded.

SEC. 2. It shall be the duty of the register of d
county in which such mortgage is recorded, to
record such order, or a copy thereof certified b
under the seal of the court; and such register
in the margin of the record of such mortgage,
to the record of such order or copy, and the rec
order or copy shall have the same force and

release of such mortgage duly executed and
ed by the mortgagee or his assignee.

J. McM. SHAFTER.
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

, April 7, 1852.
LEONARD J. FARWELL.
[*Published May 5, 1852.*]

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to Organize the County of Oconto, for county purposes.

Chap 234

le of the State of Wisconsin represented in Assembly do enact as follows:

. That the county of Oconto shall be organ- nd after the tenth day of June next, for the county government, and shall enjoy all the eges, immunities and powers of the other coun- tate. County organized.

aid county of Oconto shall be and is hereby enth day of June next,) organized into one shall be called the town of Oconto; and the shall be held at the house of David Jones, at eat of said county. Oconto organized into a town.

here shall be an election held in said county Oconto, at the house of David Jones afore- rsday, the tenth day of June next, for the ll such town and county officers as the said irtue of its organization, and the privileges of ll be entitled to; which said county officers y hold their office until the first day of Janu- d their successors are duly elected and quali- d town officers shall severally hold their offices t annual town meeting, and until their succes- elected and qualified. Where election to be held.

he said election shall be conducted in all re- manner now provided for holding the same, aw regulating general elections, and the the same shall be returned and canvassed ovided; and the judges of said election shall ates of election to any person duly elected un- isions of this act. How election to be held.

aid county so organized, shall remain attached y of Brown for judicial purposes, until other- d by law.

he town supervisors so elected on said day of County board.

election, shall constitute the county board of su
and shall meet on the first Monday of July, at t
justice of said county, together with the clerk of
ty, all of whom being first duly qualified accordi
shall then and there proceed to perform all such
may be required of them by law.

Costs to be paid to Brown county

Sec. 7. The county of Oconto shall pay into
ury of said county of Brown all costs and expe
shall be paid by the said county of Brown, whic
may accrue in consequence of any proceeding
against any person charged with any crime or m
or within said county of Oconto.

J. McM. SHAFTER,
Speaker of the
E. B. DEAN, Jr.
President pro tem. of th

Approved, April 7, 1852.
LEONARD J. FARWELL.
[*Published, May*

An Act in relation to the construction of an act entitled "An Act to i city of Milwaukee and the several acts amendatory thereof" approv 1852, and to confer certain powers on the common council of the city o

Chap 235

The people of the State of Wisconsin repr Senate and Assembly, do enact as follows:

How act construed.

Section 1. Section eighteen of chapter ten of to consolidate and amend the act to incorporate Milwaukee and the several acts amendatory the proved February twenty, one thousand eight hu fifty-two, shall not be construed so as to prevent commissioners of the several wards of the said ci dering and causing to be done the grading of within their ward to a temporary grade to be e by such street commissioners.

May issue bonds

Sec. 2. The common council of said city is thorized to issue bonds of the city, bearing inte more than ten per centum, as the common counc termine, to pay the debt of the said city, and t wards thereof.

To elect representative to M. & M. R. R. Co.

Sec. 3. The said common council shall have to elect annually one or more persons to cast, a tion of the directors of the Milwaukee and Railroad Company, the number of votes to whi of Milwaukee is entitled by the number of shar of said company which the said city may hold no after.

[This act shall take effect from and after its

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

d, April 7, 1852.
LEONARD J. FARWELL.
[*Published April* 10, 1852.]

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opriate to Thomas Reynolds out of the Fox and Wisconsin River improvement fund the sum therein named. **Chap 236**

ple of the State of Wisconsin represented in l Assembly do enact as follows:

1. There is hereby appropriated to Thomas he sum of ten thousand and thirty dollars and e cents, in full payment for damages for failing dredge to aid the said Reynolds in the excava- Portage canal; said sum to be paid out of the Visconsin River improvement fund, and to have of any and all claims upon such fund created to the time when such damages were sustained Reynolds.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

d, April 7, 1852.
LEONARD J. FARWELL.

---

ovide for the draining of Swamp, Bog, Meadow, and other low lands. **Chap 237**

ple of the State of Wisconsin represented in l Assembly, do enact as follows:

1. Any person owning or possessing any g, meadows, or other low land lying in any thin this state, who shall be desirous to drain and who shall deem it necessary in order thereto l or ditches shall be opened through lands be- other persons, in case the owner of any such refuse to permit the opening of such ditch or ough the same, may apply to any justice of the ing in the town where such land shall lie, for ous as is herein specified. May apply for summons.

Proceedings before justice.

Sec. 2. The justice to whom such applicatio made, shall thereupon issue a summons direct constable of the said town requiring him to su owner of the land to appear before such justice named in the summons not less than six nor fifteen days from the date thereof, to answer to cation, defining the same and designating the lan which it is proposed to open such ditch or ditc summons shall be personally served upon the ow land if he is a resident of the county, and upo pant of the land if the owner is not a resid county, and returned like an ordinary summons, be no owner or occupant of the land resident in then the justice may authorize some suitable per dorsement on the back of the summons, to serv personally upon the owner of the land wherev be, and the person serving it shall make return oath.

Justice may dismiss or adjourn cause.

Sec. 3. At the time specified in the summo the parties may appear before the justice, and may for any sufficient reason dismiss the applic he may adjourn the same for any cause shown s to him, not exceeding three months, or on his exceeding one week.

Jury to be summoned.

Sec. 4. On the appearance day, or in case t tion is adjourned, on the day to which it is ad jury of six men shall be selected by the parti shall be composed of men qualified to serve as justice's court, and not interested in the pre which shall be selected and summoned in the ner as a jury in a civil cause before a justice of The jurors shall be required to meet on the pre time specified in the venire, not more than tw from the date thereof.

How summons served.

Sec. 5. The constable to whom such summo delivered, shall execute the same by summonin rors in the same manner and with the like autho on venire issued in causes pending before justi peace, and shall in like manner make return the

Sec. 6. The justice shall attend at the time specified in the venire, and if it appear that due been given as required in the summons, and

Oath to be administered.

holders as above specified shall then and there shall administer to each of them an oath or well and truly to examine and certify in regard efits or damage which will result from the open said ditch or ditches; and vacancies in the jur

lesmen as in civil cases before a justice of the

The person applying to have such ditch or ned, shall then deliver to the jury a map of the gh which the same are to be opened, on which an, length, width, and depth of such ditch or ll be particularly designated. The jury shall examine the premises and hear any reasons e offered in regard to the questions submitted d they may if they think proper vary the plan ons of any ditch so proposed to be opened, but e they shall designate on the said map the al- ade by them. Applicant to present map.

If after taking all the circumstances into con- the jury shall be satisfied that the opening of or ditches is necessary and proper, they shall nquisition in writing, and if satisfied, they shall ify by such inquisition the amount of damages eir judgment will be a just compensation to the e land for the opening of such ditch or ditches land, and such inquisition shall be signed by rs and delivered to the justice forthwith. Jurors to make inquisition.

Either party may appeal from the decision of the county court of the county in which the e situated, by filing with the justice within ten he jury shall have delivered to him their de- ecognizance of the appellant and sureties ap- the justice, in a sum double the award of the ot less than one hundred dollars, conditioned pellant will abide the judgment of the county pay all costs and damages assessed or awarded therein, or if the appeal shall be dismissed or d, that he will pay all sums for which he would liable if no appeal had been taken, and the in- eon with costs of appeal. The form of the re- and the proceedings in the county court on the ll be the same as on an appeal of a civil cause ice of the peace, as nearly as practicable, and be awarded for or against either party on the and conditions as on such appeal of a civil Appeal

Upon payment of the damages assessed by no appeal shall be taken or awarded in county peal as the case may be, and the costs of such , or if no damage shall have been found, upon the costs of the proceedings, it shall be lawful son applying for such summons to enter with his When may enter on lands.

servants, teams, carriages, and other necessary im
upon such lands, and then and there to cut and
ditch or ditches as were designated on the sai
cording to the plans and dimensions therein spe
adopted by the jury or ordered in county court, r
ing materially from dimensions.

May repair ditch

Sec. 11. After such ditch or ditches shall
opened, it shall be lawful for the said applicant,
and assigns, forever thereafter from time to time
become necessary, to enter upon the lands throu
such ditch or ditches shall have been opened, fo
pose of clearing out and scouring the same, and
there to clear and scour such ditch or ditches in
ner as to preserve the original length, depth,
thereof.

Penalty for obstructing ditch.

Sec. 12. Any person who shall dam up, obstr
any way injure any ditch or ditches so opened,
able to pay to the person owning or possessing th
bog, meadow, or other low lands, for the drainin
such ditch or ditches shall have been opened,
damages that shall be assessed by the jury for su
and in case of a second offence by the same pers
such damages.

Map to be filed with clerk.

Sec. 13. The justices before whom any pr
shall be had under this title, shall cause the map
by the applicant and the inquisition of the jury
shall certify to have been taken before him, to
the clerk's office of the town where the premises
situated, to be kept in said office as a record of
ceedings between the parties; or if an appeal sh
ken, the applicant may cause such map, and a
by the clerk of the county court of the decision
to be filed in like manner.

J. McM. SHAFTER,
Speaker of the A
E. B. DEAN, Jr.,
President pro tem. of the

Approved, April 7, 1852.
LEONARD J. FARWELL.

[*Published April*

ople of the State of Wisconsin represented in d Assembly, do enact as follows:

1. Prosper Cravath, John M. Stewart, John stone, Joel C. Squires, William R. Biddlecome, ore, Joseph B. Doe, James H. Earnest, and En- ennett, are hereby created a body corporate by of the "Southern Wisconsin Rail Road Compa- by that name shall be and are hereby made ca- aw to purchase, hold, enjoy, retain to them and essors, lands, tenements, and hereditaments, so y be necessary for the purpose of constructing a hereinafter set forth, and the same to sell, grant, any manner dispose of; to contract and be con- ith, to sue and be sued, implead and be implead- r and be answered, defend and be defended; and ake, have, and use a common seal, the same to ak, or renew at their pleasure, and if one or more rsons named in this section shall die, refuse, or execute the powers and discharge the duties eated, it shall be the duty of the remaining per- nbefore named, or a majority of them, to appoint person or persons to fill such vacancy or vacan- en as the same shall occur. Created a body corporate.

The said corporation are hereby authorized and d to construct and erect a rail road from Milton nty of Rock by the way of the village of Janes- e said county of Rock in this state, through the f Green, Lafayette, and Grant, to some point on ssippi river to be selected by the said corporation all see fit. Route of road.

The capital stock of said corporation shall be n five hundred thousand dollars, and shall be di- shares of one hundred dollars each. Capital stock.

The above named persons or a majority of hereby authorized to open books for receiving ons to the capital stock of said corporation, and cribe the form of such subscription, which books pened within one year from the passage of this h place or places as they may deem expedient two weeks' notice in some newspaper published unties of Rock and Green, and in such other pla- y may see fit, of the time and place of opening . May receive subscriptions.

So soon as seventy thousand dollars or more of l stock of said corporation shall be subscribed,

the above named corporators or a majority of t
give notice to the stockholders in such manner as
determine, of a time and place for holding a m
May call meeting. the said stockholders to choose directors for the
poration, and the said stockholders may at such
proceed to elect nine directors from the said stoc
by ballot, each share of stock entitling the owner
one vote, and the corporators mentioned in the fi
of this act, or such of them as are present at the s
ing, shall be inspectors of such election, and sh
in writing what persons are elected directors, and
point the time and place of holding the first m
the board of directors, at which meeting a majo
form a quorum competent to transact the busin
said company, and thereafter an election of direc
be held annually, at such time and place as the s
ers shall at their first meeting determine, and if
stockholders shall fail to appoint the time and
said election, then the board of directors may fix
and place of said meeting, and shall give thirty
tice to the stockholders of such meeting, and i
election is had on the day appointed, the dire
elected shall hold until an election has been held
ers elected in their stead.

Sec. 6. The affairs of said corporation shall
aged by a board of not less than nine and not m
Board of directors. fifteen directors, who shall be chosen annually by
hereinbefore prescribed, by the stockholders o
company; the votes to be delivered in person or
duly authorized, which directors shall appoint one
own number to be president, and shall respectiv
for one year, or until other directors are elec
shall have power to make and establish such by-la
and regulations not inconsistent with the constitu
laws of this state, as may be necessary for the w
ing of the affairs of said company.

Sec. 7. None but stockholders shall be elect
Each share of stock entitled to one vote. tors, and at every election and in all cases wh
holders shall be called upon to vote, each share
shall be entitled to one vote, and in all cases of c
directors the stockholders having the highest n
votes shall be declared elected.

Sec. 8. The said directors shall meet at such
places, and be convened in such manner as t
hereafter decide upon. A majority of said dire
be a quorum for the transaction of business, w
absence of the president shall appoint a president

directors shall appoint a secretary, treasurer, and Officers.
neers and other officers as they may find neces-
they shall have full power to fix the compensa-
officers or agents, and may demand adequate se-
the performance of their respective trusts; they
le the time and manner and proportions in which
ockholders shall pay the money due on their re-
hares, and forfeit to the use of the company the
hares of every person or persons failing to pay
lment so required at a reasonable period not less
days after the time by them appointed for the
hereof; they shall have full power to regulate
ake such covenants, contracts, and agreements
person, co-partnership, or body politic whatsoev-
construction and management of the works and
nience and interest of the company may require,
neral to superintend and direct all the operations,
lisbursments, and other proceedings of the com-
rovided, That no installment called in at any one Proviso.
l exceed twelve dollars per share, and that no
t shall be called for by the directors without at
y days' notice thereof in the newspapers herein-
ned.

The directors chosen as aforesaid shall issue a To issue certificates.
to each stockholder for the number of shares
may subscribe for or hold in said corporation,
the president and countersigned by the secreta-
aled with the common seal, subject, however, to
nts due or to become due thereon, which stock
ransferable in person or by attorney, executors,
ators, guardians, or trustees, under such regula-
ay be provided for in the by-laws of said com-

). At each annual meeting of the stockholders
urpose of electing directors, the directors of the To exhibit statement.
; year shall exhibit to them a complete statement
airs and doings of the company for such year, and
eetings of the stockholders may be called by or-
e directors, or by stockholders holding one-fourth
ital stock, on like notice as that required for an-
tings, specifying moreover the object of such
but no business shall be transacted at such spe-
ing unless a majority in value of the stockholders
nd in person or by proxy.

. The said company shall have power to locate
ruct a single or double track rail road from Mil-
county of Rock by way of the village of Janes-

ville in said county of Rock, through the counties
Lafayette, and Grant, to the Mississippi river, a
have power to transport, take, and carry property
sons upon the same by power and force of steam
mals, or of any mechanical or other power, or by
bination of them; and they shall also have power
construct, and erect all such side tracks, turn-
connecting tracks, and also such ware houses, tol
machine shops, carriages, cars, and other works
pendages, as may be necessary for the convenien
May connect with other roads company, for the use of said rail road, and also to
said rail road and operate the same with other r
and branch rail roads in the state of Wisconsin,
solidate the capital stock of the said company
capital stock of any rail road company with w
roads of the said companies shall intersect, and sh
full power to place the road of this company and
tal stock so consolidated, under the direction o
board of directors, of not less than nine nor more
teen, to be chosen on such terms as the directo
companies consolidating their capital stock, sha
upon.

How charter forfeited. Sec. 12. If said corporation shall not within t
from the passage of this act commence the constr
said rail road, then the rights, privileges, and p
said corporation under this act, shall be void.

May enter upon lands. Sec. 13. It shall be lawful for said company, t
cers, engineers, and agents, to enter upon any lan
purpose of exploring, surveying, and locating the
said road, doing thereto no unnecessary dama
when the said route shall be determined by the said
it shall be lawful for them, their agents, officers, en
contractors, and servants, at any time to enter up
possession of, and use such land not exceeding o
dred and thirty feet in width along the line of sai
subject, however, to the payment of such compens
the company may have agreed to pay therefor, or
shall be ascertained in the manner hereinafter
and provided in such cases respectively, and said
are further authorized, by their officers, engineers,
and servants, to enter upon lands adjacent to the r
beyond the limits of one hundred and thirty feet
manner provided in this act, when necessary for
pose of erecting depot buildings, station houses,
cessary fixtures for the operation and for the bus
said road, and for the purpose of making drains
ing proper direction to water courses, across or al

n the same are necessary, beyond the limits of
nd to remove all substances and things which
anger, obstruct, or interfere with the free use of
and to deposit earth, gravel, and stone taken
and to obtain earth, gravel, stone, and other
for embankments and structures necessary to
ction and repairs of said road, doing however,
ssary damage; and all lands so acquired and
which shall be done to any lands or property
provisions of this section, shall be ascertained
r in the manner and agreeably to the provis-
after provided; and when such damage shall
paid for or tendered, the title of the land occu-
h fixtures, excavations and embankments, shall
simple in said company.

When the said corporation cannot agree with
r owners of such required land for the purchase
as to the compensation to be paid therefor, or How damages settled.
ason of the legal incapacity or absence of any
or owners no such agreement or purchase can
nen and in that case it shall be lawful for any
e supreme court of this state, on application of
npany and at the cost and charge of said com-
point three disinterested persons residing in the
ough which the said road runs, whose duty it
view and examine the lands so taken, with the
d improvements if any thereon, and to estimate
of the land so taken or required by the said
nd all damages which the owner or owners
l sustain or may have sustained by reason of
f the same for the construction and use of said
ks appertaining thereto, taking into considera-
antages as well as disadvantages of the same
the construction and operation of said road to
r owners; and it shall be the duty of the said
give three weeks' notice of their application
of the supreme court for the appointment of
missioners, to be published for three succes-
n a newspaper published at the capital of this
so in a newspaper, if there shall be any pub-
h of the counties through which said road may
nd the affidavit of the publisher or printer
l evidence of such publication; and the per-
inted, before entering upon the discharge of
shall take before some justice of the peace or
competent by law to administer oaths, faith-
cording to the best of their abilities to exam-

ine the land so taken or required by said comp
impartially to estimate and appraise the value of
and the damage or injury which the owner
thereof shall have sustained or may sustain by
the taking and using thereof by the said comp
and above the benefits and advantages which su
or owners shall derive from the construction of
road; whereupon such commissioners shall proce
amine the premises, and estimate the value of
and the amount of damage if any, over and abov
efits and advantages which may accrue to such
owners as aforesaid, and shall make a report in
such valuation, under their hands and seals, to th
court of the county where the land lies, and sha
the same within thirty days after their appointme
clerk of the circuit court of the county in which th
and it shall be the duty of the said clerk to file
and in case no appeal shall be made within thirty
ter the filing of said reports as hereafter provi
the said clerk shall record the same at the expe
said company, and judgment of the said court
entered thereon, on motion of either party at an
said court: *Provided*, That either party may appe
court within thirty days after said report shall
filed in the clerk's office, and such appeal shall b
the same manner as other issues are tried in s
and the jury empannelled to try the same shall
value of the land so taken or required by said
and the damages which the owner or owners the
have sustained or may sustain by the taking of
over and above the benefits which will accrue
owner or owners from the construction of such
and judgment of court shall be entered according
vided also, That it shall not be lawful for the
missioners or said court to proceed in the asse
damages, or in the valuation of any lands or ma
aforesaid, in the absence of the owner or owner
his, her, or their agents or attorneys, unless it
shown to them by competent testimony that the s
or owners have had at least five days' notice of
and place at which such assessment or valuation
made, or that the said owner or owners are ab
the state of Wisconsin; and if the said owner
shall be minors or *non compos mentis* or absent
state, the service of notice may be made on the
or trustee, if there be any, or in such manner as
may direct: *Provided also*, That upon the makin

Proviso.

report as aforesaid, and payment or legal ten-
amount of any valuation or appraisal specified
the owner or owners of any such lands, his,
r legal representatives, the said company, their
he contractor for making or repairing said rail
immediately take and use the same wit'out
e issue of any appeal brought thereon.

Whenever any judgment shall have been en-
reinbefore provided, for the value of any lands,
damages for the taking and using of the same,
ount specified in such judgment shall have been
dered to the owner or owners of such lands, his,
ir legal representatives, the said company shall
to the easment of the same, so long as it shall
the track of said rail road, depot buildings,
ses, and necessary fixtures, and if such valua-
received when tendered, it may at any time
be received, or may be collected from said com-
tion at law, at the cost and expense of the per-
sons entitled to the same: *Provided*, That the
proceedings and judgments specified in the last
section, shall be taxed by the court and paid by
ny, except in cases where upon appeal the ver-
jury shall be for the same or a less sum than
ed by the said commissioners.

Company entitled to easement of lands.

Proviso.

The said rail road shall be so constructed as
ede or obstruct the free use and passage of any
l or roads which may cross the same; and in
where such rail road may cross, or in any way
ith any public road, it shall be the duty of said
o make or cause to be made a sufficient cause-
ssageway to enable all persons traveling such
l to pass over or under such rail road without
nce: *Provided*, That in cases where said rail
cross or come in contact with any public or pri-
so as to occupy any part of such road, it shall
for said company to construct said rail road
pon such road, after altering and putting the
good condition as before, and for that purpose
mpany shall, previous to occupying any part of
construct a new road in part or in whole as may
ry, on ground adjacent to such road, and in eve-
complete such newly constructed road or part
o interfered with, as substantially as it was pre-
ne disturbance and occupancy thereof by said

Rail road not to interfere with highway.

Proviso.

For the convenience of persons owning or

To make passage way for farms.

possessing lands through which said rail road it shall be the duty of said company when r make a good and sufficient passage way over or rail road, whenever the same may be necessar the occupants of said lands to pass over or unde with waggons, carts, and implements of husban

Proviso.

casion may require: *Provided*, That said com in no case be required to make more than one sage way for each farm; and when any public cross said rail road in any farm, the person owni sessing said farm shall not be entitled to requir pany to make any additional causeway.

Sec. 18. This act shall be construed favorab the purposes hereby intended, and the same is

Public act.

clared to be a public act, and copies thereof authority of the state of Wisconsin shall be rece idence thereof.

Penalty for injury to road.

Sec. 19. Any person who shall willfully ciously place any obstruction or thing upon th said road, or remove or damage any part there a manner that the engine or cars may be in thrown off the track, shall be guilty of a mis whether such result shall happen or not, and sha ished for every such offence by imprisonment in prison for a term of not less than one nor more years, at the discretion of the court, and in case age shall result from the placing such obstructio ry to said road, said party shall be liable to pa damage to said company and to any other pe aged or injured thereby, and in case any acc happen in consequence of placing such obstruc consequence of the willful and malicious brea juring said road, whereby death may be produce ty so offending shall be adjudged guilty of mu first degree, and shall be punished agreeably to such cases made and provided.

Sec. 20. The said rail road company are here ized and fully empowered in their corporate nar pacity, to borrow any sum or sums of money fro

May borrow money.

sons, corporations, or body politic of any kind a rate of interest which may be agreed upon by an said company and any person or party of w money may be obtained, and make and execut corporate name all necessary writings, note bonds, or other papers, and make, execute, an such securities in amount and kind as may be d pedient by said corporation, any law on the subj

state or any other state to the contrary notwith-
and the powers of said corporation for the pur-
esaid, and for all purposes necessary to carrying
ject of said company, and the contracts and offi-
f said company are hereby declared binding in
quity upon said corporation and all other parties
atracts.

May purchase lands.

. This act shall be in force from and after its
and it shall be lawful for said company to pur-
ls adjoining or adjacent to said rail road for the
f procuring earth, gravel, stone, or other materi-
construction and repair of said road or buildings
es connected therewith, and whenever such lands
o longer needed for the purposes aforesaid, the
any are hereby authorized to sell and convey the

Proceedings in case of incumbrance.

. In case there shall be incumbrances upon the
as hereinbefore provided, it shall be sufficient
d company to deposite the amount of damages
s herein provided, with the clerk of the circuit
e county where the land lies, to be paid over by
lerk to the owner of said land or his lawfully
agent upon the removal of the said incum-

Joint board of directors may change name.

. If the said company shall consolidate their
ck with any other rail road company, the joint
irectors may adopt such name as they may see
ge the name of either company into the name of
and said company so formed may adopt the
either company by resolution, and shall after
tion have all the powers and exercise all the
vileges and franchises of the charter so adopted,
ause to be filed with the secretary of state, un-
al of said company, a certified copy of said res-

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

ed April 7, 1852.
LEONARD J. FARWELL.

[*Published, April* 10, 1852.]

Chap 239 An Act to incorporate the village of Lake Mills.

The people of the State of Wisconsin, repre Senate and Assembly, do enact as follows:

Corporate limits

SECTION 1. That all that district of country in the following description, lying and being in the Lake Mills, county of Jefferson, and state of W viz: the south-east quarter of section eleven, t west quarter of section twelve, the north-west section thirteen, and the north-east quarter of sec teen, in township number seven, (7,) north of ra ber thirteen, (13.) east, in the county of Jeffer hereafter be known and designated as the villag Mills, and the inhabitants residing or who may reside within the limits of said description, a constituted a body corporate by the name of "T dent and Trustees of the Village of Lake Mills, that name they and their successors forever here and may have perpetual succession, and shall h in law, capable of suing and being sued, pleadir ing impleaded, answering and being answered fending and being defended, in all courts and p in all suits whatever.

Where first election to be held.

SEC. 2. It shall be lawful for all free male i of said village, over the age of twenty-one years at the Lake Mills House on the last Monday next, at ten o'clock, A. M. of said day, and ch *voce*, two judges of election and one clerk, an ballot one president who shall be *ex officio* a tr trustees, one treasurer, one assessor, one clerk marshal.

Annual election

SEC. 3. On the last Monday in March in thereafter, there shall be an annual election of t of said village above specified, and the trustees twenty days' notice of the time and place of h same, and they or any two of them shall pres same.

Eligibility.

SEC. 4. No person shall be eligible to any of s unless he be an elector and a freeholder in said

When polls to be opened.

SEC. 5. At all elections by the voters of th held under this act, the polls shall be opened at A. M. and continue open until four o'clock, P. M election shall be conducted in a similar manner, may be, to the election for member of congres rality of votes shall in all cases decide the electi

SEC. 6. In case such officers or any of them be chosen on the day herein appointed for the

on shall not thereby be dissolved, but vacancies How vacancies filled.
fice of president or trustees shall be filled at a
lection to be called by the remaining trustees, and
s in all other offices shall be filled by the trustees.
. All of said officers shall hold their offices until Term of office.
Monday of March next after their election, and
ers are elected and qualified in their stead.
. Every officer elected under this act, before he
on the duties of his office, and within ten days
election, shall take an oath faithfully to discharge
s of his office, and to support the constitution of Officers to take oath.
ed States and the laws and constitution of this
l if any such person shall not take such oath with-
ys after his election, his office shall thereby be-
ant.
. The treasurer and marshal, before they enter What officers to give bonds.
duties of their respective offices, shall severally
l to the trustees in such sum, with such conditions,
such sureties as said trustees or a majority of
ll direct, which bonds shall be filed with the

). It shall be the duty of the president to pre-
l the meetings of the trustees, to see that all by-
ordinances are duly observed, and to prosecute Duties of president.
which may be necessary in the name of the cor-

l. It shall be the duty of the clerk to keep a
the doings of the board of trustees, especially of
g of by-laws, ordinances and regulations, and Duties of clerk.
thful record of all the doings and votes of the
ts of said village, at their annual and other legal
and to keep on file all papers which may be or-
the trustees. The records kept by the clerk shall
ce in all legal proceedings, and copies of all pa-
filed [in] his office, and transcripts from the rec-
roceedings of the board of trustees, certified by
r the corporate seal, shall be evidence in all courts
ntents of the same.
2. The treasurer of said village shall receive all
which may be collected for the use of the corpo-
virtue of this act or by virtue of any by-laws or Duties of treasurer.
s of the corporation, or which may arise from
er source and belong to the corporation, and
he person paying the same, his receipt there-
moneys shall be drawn from the treasury by
or orders, signed by the president by order
rustees, and countersigned by the clerk, who

shall keep an account thereof in a book to l
kept for that purpose, which warrant or o
set forth for what purpose the amount specifie
is to be paid; and the said treasurer shall
the funds of the corporation in no other way
He shall keep just and accurate accounts of a
and other things coming into his hands as treas
book to be provided by the corporation for tha
and which shall remain the property of said c
wherein he shall note the time when, the person fi
the amount of the several sums received, and
from whence the said sums respectively arose,
manner equally accurate and specific, in the s
he shall duly enter an account of all sums paid
book shall at all times be open to the inspection
ters of said village. He shall, as often as the
quire, render to the board of trustees a minute
all his receipts and payments.

Powers of marshal.

SEC. 13. The marshal elected under this act
the same powers that constables now have or ma
have by law.

Powers of trustees.

SEC. 14. The trustees shall have the followi
to wit:

Seal.

1. To have a common seal and alter the sam
ure.

May hold estate.

2. To purchase, hold or convey any estate, r
sonal, for the use of the corporation.

To open streets.

3. To make, open, keep in repair, grade, impr
continue streets, avenues, lanes, alleys, sewers,
walks, to keep them free from incumbrances, and
them from injury; also to protect shade or c
trees, on the public square, or in the streets of
ration.

To regulate fire department.

4. To organize fire companies, and hook and l
panies, to regulate their government and the
manner of their exercise, to furnish all necessa
tus for the extinguishment of fire, to require the
buildings to provide and keep suitable ladder
buckets, which are hereby declared to be appurt
real estate, and exempt from seizure, distress,
any manner, and if the owner refuses to procur
ladders or fire buckets after reasonable notice, t
may procure and deliver the same to him, and in
payment thereof may bring an action of debt a
owner, and be entitled to recover in said action
of such ladders or fire buckets, or both, with co
to regulate the storage of gun powder and other

; to direct the safe construction for the deposit of
severally to enter into or appoint one or more
enter into, at reasonable times, and examine all
houses, lots, yards, enclosures, and buildings
description, in order to discover whether any of
n a dangerous condition, and to cause such as
angerous to be put into a safe condition; to reg-
manner of putting up stoves and stove pipe; to
es and the use of fire arms and fire works with-
its of said corporation or any part thereof; to
e inhabitants of said village to aid in the extin-
of fires, and to pull, break down, and raze such
r buildings in the vicinity of fire as shall be di-
the trustees or any three of them who may be
a fire, for the purpose of preventing its commu-
other buildings; and any building so destroyed
id for by the corporation; to construct and pre-
voirs, pumps, wells, and other water works, and
the use thereof, and generally to establish such
sures of prudence for the prevention or extin-
of fires as they shall deem proper.

ear out and remove vegetable matter and nuis an- To remove nuisances.
ie streams or other waters in said corporation,
nt their accumulation in said waters, and gener-
such other measures for the public health as
deem proper.

event, remove, or abate nuisances.

estrain the running at large of cattle, hogs, and To prevent animals from running at large.
nimals; to establish pounds and appoint pound
d fence viewers, and prescribe their powers and

otect monuments in said corporation.

rchase, hold, inclose, lay out, ornament, and reg- To preserve cemetery.
rying ground in said village, and to sell lots
d regulate the burial of the dead.

stablish and regulate markets, and restrain sales
ets; to establish and regulate a public scale,
t a weigher to attend the same; to regulate the To regulate markets.
manner of selling hay and other gross commod-

suppress disorderly and gaming houses, gam- To suppress gambling.
devices for the purposes of gaming.

all regular and special meetings of the voters of To call meetings
lage.

prescribe the compensation of all officers of the To prescribe compensation of officers.
, except their own.

ax every male resident of said village above the

Poll tax.

age of twenty-one years, and under the age
years, two days' labor, or in lieu thereof, two d
appropriated in improving the streets of said vil
the direction of such persons as they may ap
such work shall excuse them from working a
the public highway.

15. Upon the application of two-thirds of
of the lots on any street, or on one side of an
To levy side walk tax. block, to levy and collect a special tax on the
the lots on such street, or part of street, accord
respective parts, for the purpose of making a
or side walk along the same.

Schools.

16. To organize school districts, to receive
coming from the county and state for the be
scholars in said village, and take such meas
benefit of public instructions as they may deer

To make by-laws

17. To make, pass, ordain, and establish su
ordinances, and regulations, not repugnant to
this state, or to the laws and constitution of
States, for the purpose of carrying into effect th
of this act as they may deem proper; but no such
or by-law shall take effect until the same shall
published three weeks successively; and to repe
the same at pleasure.

Penalties.

Sec. 15. The said trustees, as often as they
or publish any by-laws, regulation, or ordinanc
dain and provide such reasonable fines, forfe
penalties upon the offenders against any such b
ulations, or ordinances, as they shall deem pro
ceeding twenty dollars for any one offence, to be
and recovered before any justice of the peac
having cognizance of the same, in the name of
ration, to and for the use of the corporation;
such action it shall be lawful to declare genera
for such penalty or forfeiture, and to give the s
ter in evidence, and the defendant may plead
issue and give the special matter in evidence.
es incurred in prosecuting for the recovery of
or forfeiture, shall be defrayed by the corpora
all penalties and forfeitures, when recovered, s
lected with costs, and paid to the treasurer for
the corporation; also to remit such fines or pena
part thereof, as shall appear to the trustees to
excessively or unjustly imposed.

Evidence of publication.

Sec. 16. The affidavit of the printer of t
tion of any by-law or ordinance, or the affidavi
the clerk of the corporation of the putting up

rdinances, as required by this act, shall be sufficient in all courts and elsewhere, that such by-laws, nd ordinaces were properly published or post-

By-laws to be published.

Whenever by this act, the publication of any dinance, or advertisement of delinquent town ired, the same shall be published in one or more s printed in said village, if there be any, for three essively: *Provided*, That the trustees shall let ation printing to such publisher or printer of a spaper who shall agree to print them for the low- *And provided further*, That said trustees shall said printing a greater sum to any such printer ents per folio for the first insertion, and twenty ach subsequent insertion per folio. But if there spaper published in said village, or if there l the publisher thereof shall refuse to publish w, ordinance, or advertisement, for the price ified, then it shall be lawful to publish the same copies thereof in three of the most public places age.

Quorum.

Any four of said trustees shall be a quorum for tion of all business; but no by-law or ordinance unless four of said trustees shall concur therein.

Inhabitants not to be incompetent jurors, &c.

No person shall be an incompetent judge, jus-, or juror by reason of his being an inhabitant ler in said village, in any action or proceeding aid corporation is a party or interested.

Firemen exempt from military duty.

Every inhabitant of said corporation belong- fire company, or hook and ladder company there- exempt from serving as jurors and from doing uty, except in case of war, invasion, or insur-

To publish statement.

It shall be the duty of the trustees, before the tion, to publish a full and correct statement, in he receipts and expenditures by said trustees for ration, during the past year.

Property exempt.

The following property shall not be taxed by ny law or ordinance adopted by the trustees of e of Lake Mills, viz: the property of the United is state, of Jefferson county, of said corporation, incorporated literary, benevolent, charitable, tific institutions, every public library, school se of public worship, academy, or other semina- ing, and the lot or lots belonging to the same.

All property, real and personal, within the he corporation, and all property subject to be

taxed by the county of Jefferson, not excepted a
be subject to taxation.

May levy tax.

Sec. 24. The trustees shall have power to collect annually, a tax on all property subject in said corporation, not exceeding the rate of on every one hundred dollars of the assessment thereof.

Assessment roll.

Sec. 25. It shall be the duty of the assessor the first day of April and the fifth day of M year, to make out an assessment roll, in which h down the names of all the taxable inhabitants poration, and the names so far as (*they*) [he] ca of non-residents who shall own real estate there description quantity, and value of all the pro ject to taxation in said village, and deposit the the clerk on or before the first day of May in and the said assessor shall assess all property taxation within the said corporation at its cash v time of making such assessment.

To be laid before trustees.

Sec. 26. It shall be the duty of the clerk an the first Monday of May, to lay the assessment the trustees; at which time they shall meet and the rate per centum to be taxed on the assessm the current year; at which time, any person grieved at the value the assessor may have put her property, may appeal to the board of trustee alter the same as justice may require; and wh trustees shall have determined the rate per ce taxed on the assessed value of property, as co the assessment roll as aforesaid, it shall be the clerk, in the month of May, to make out in accor such determination, a schedule of all the property ed in said assessment roll, after the same shall hav rected by the said trustees, together with the n owners thereof, when known, annexing to each er kind of property, the amount of taxes whic chargable on the same, agreeably to the assess the rate per centum of taxation as fixed by th which schedule shall be called the tax list, and s corded in a book to be by him kept for that pu the said tax lists, or a record thereof, shall either conclusive evidence of the amount of corporatio sessed for the year for which the same shall be and dated.

To complete tax list.

Sec. 27. It shall be the duty of the clerk to co record the tax list as aforesaid, and deliver the s treasurer in the month of May, and make a record

book where such list shall be recorded, which
be conclusive evidence of such delivery, and
ssed on real estate shall be a lien on the same
t day of May until such tax shall be paid, to-
all penalties and costs which may accrue there-
y to the provisions of this act.

Upon the receipt of the tax list as aforesaid, it duty of the treasurer to give public notice in printed in said corporation, if there is one, then by posting up notices in three of the places, that such tax list has been committed he purpose of collecting the taxes thereon, and receive payment for taxes at his office until the September then ensuing, subject to a deduction centum if paid before the first day of Sep- To give notice.

If the taxes are not paid to the treasurer on first day of September, he may proceed to ame by distress and sale of the goods and chat- ersons charged, giving six days' notice of the ce of such sale, by written notices set up in places in said village. To collect tax.

In case the tax on any lot or other piece of emain unpaid on the first day of October, and goods or chattels of the person charged there- found, it shall be the duty of the treasurer to general advertisement stating that all lots and of land upon which the taxes have not been sold by him on the third Monday of Decem- ce to be therein mentioned, for the purpose of taxes which may be assessed thereon, together and liabilities which shall accrue by adver- sale, agreeably to the provisions of this act. isement shall be published four successive nencing in the month of October, in a news- d in said corporation, if there be any, and if ng up the same in three of the most public Delinquent list

vided, That in case of assessment of taxes in ny tract or lot of land, the treasurer, upon ap- ny claimant or owner of a part thereof, either ndivided, shall receive a part of the taxes, in- harges due thereon, proportionate to the quan- lot or tract so owned or claimed, and the bal- taxes, interest, and charges, shall be a lien on- nainder of such lot or tract of land. Proviso.

On the third Monday of December, the treas- mmence the sale of the said lots and lands, Sale of lands.

and continue the same from day to day until all shall have been sold or offered for sale. When a lot or tract of land shall be offered for sale, the treasurer shall designate what part or portion of the same shall be sold, if a less portion than the whole tract shall be bid, and shall give to the purchaser a certificate describing the lands sold with sufficient certainty, stating the sum paid therefor, including fees, and the time when the purchaser will be entitled to a deed for the said land; and if the person claiming title to the lots or lands described in such certificate, shall not, within two years from the date thereof, pay to the purchaser or the treasurer, his heirs or assigns the sum mentioned in such certificate, together with the interest thereon, at the rate of twenty-five per cent. per annum, from the date of such certificate, the treasurer shall, at the expiration of said two years, execute to the purchaser, his heirs, or assigns, a conveyance of the lots or lands so sold; which conveyance shall vest in the person or persons to whom it shall be given, an absolute estate in fee simple, and the said conveyance shall be conclusive evidence that the sale was regular, according to the provisions of this act, and every such conveyance executed by the treasurer under his hand and seal, in the name and on the behalf of the village of Lake Mills, and the execution thereof witnessed and acknowledged as by law in other cases provided, may be given in evidence and recorded in the same manner and with the like effect as a deed regularly acknowledged by the grantor may be given in evidence and recorded: *Provided*, That no deed given in pursuance of this act, shall have any validity or force where the taxes shall have been paid previous to such sale.

Proviso.

Agent to buy lands.

Sec. 32. It shall be lawful for the trustees aforesaid to appoint an agent to attend any sales of lands made for the purpose of collecting taxes due said corporation, and bid off lands for the taxes and charges due thereon, in the name of said trustees, and their successors shall acquire by such purchase, in trust for such corporation, all the rights which might have been acquired by any other purchaser: *Provided*, That the said agent shall not purchase any land in the name of the trustees, until the same shall have been once offered and not bid upon by other persons.

To publish statement of forfeiture of lands.

Sec. 23. In the month of July of each year, the treasurer shall publish in some newspaper printed in said village, if one be published therein, and if not, in some paper printed nearest thereto, for three weeks successively, an advertisement stating each lot and tract of land which will be forfeited in the ensuing December, (stating the day

he taxes and charges upon the same are not
at day, together with the amount of taxes and
shall also post up three copies of said notice
ic places in said village, during the month of
on as the treasurer shall have advertised as
shall make a record of the same upon some
kept for that purpose.

Upon all lots or tracts of land on which the
t be paid before the first day of October, as
d which shall be advertised for sale for non-
axes, and upon all lots or pieces of land sold Treasurer's fees
it shall be lawful for the treasurer to demand
he following fees: for each tract or lot of land
sale, three cents; for certificate of sale, twelve
nts; for certifying the sum necessary to re-
or tract of land, sold, twelve and a half cents;
l or conveyance executed by him, for one lot
dollar; for each additional tract included in
order of the purchaser, fifty cents. The said
paid by the person receiving the deed, ex-
rtising, where the taxes shall be paid before
h case, the person paying the taxes shall be
ith and pay the fees for advertising.

If any person who shall purchase any lot or
in pursuance of the provisions of this act, Person redeeming to pay tax.
tax returned subsequent to such purchase, on
ece of land, the person who shall (*return*) [re-
ot or piece of land, shall pay the amount of
with interest.

The trustees shall have the sole right of licens- To give licenses.
ulating groceries, victualing houses, taverns,
exhibitions, and theatrical or other entertain-
also the sale of strong and spirituous liquors,
corporation, and shall have power to fix such
ses, and enact such by-laws on the subject
s for the breach thereof as they may think
o collect such penalties in the same manner
collecting other penalties by this act: *Pro-* Proviso.
any and every person licensed by said corpo-
be required to pay such additional tax for li-
ow or may hereafter be prescribed by law, to
the county treasury; and the county supervi-
erson county shall have power and authority
d collect such additional tax for the use of the

All persons entitled to vote as aforesaid, and Qualification of voters.
ve resided within said corporation six months

immediately previous to an election therein, shall be entitled to vote at any election or meeting authorized by this act.

Public act. Sec. 38. This act shall be considered a public act, and may be altered, amended, or repealed by any future legislature.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved April 9, 1852.
LEONARD J. FARWELL.

[*Published May* 20, 1852.]

Chap 240 An Act to legalize the acts of Joint School District Number Seven, of Mackford and Fox Lake.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Acts legalized. Section 1. All the acts of joint school district number seven, in the towns of Mackford, in Marquette county, and Fox Lake, in Dodge county, since the organization of such districts, are hereby declared to be legal and valid, in the same manner as they would have been if a description of the formation of such district had been filed in each of the town clerks' offices of said towns in which such district is situated at the time of the formation of the same, and such district shall be deemed and held to be a legal district notwithstanding no description of such formation has been filed in the town clerks' offices of said towns.

Sec. 2. This act shall take effect from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 9, 1852.
LEONARD J. FARWELL.

Chap 241 An Act to vacate the town plat of La Grange, in the county of Marquette.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That the town plat of the village of La Grange. lying on section thirty-two, in township numbe

Plat vacated.

h, of range number eleven east, in Marquette
and the same is hereby vacated.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

d, April 9, 1852.
LEONARD J. FARWELL.

An Act to declare Eagle Creek a public highway

Chap 242

ple of the State of Wisconsin, represented in Assembly do enact as follows:

1. That Eagle Creek in the town of Richmond
y of Richland, from the mouth of said creek Eagle creek declared highway.
and hydraulic power of Henry G. Moore, on
be and is hereby declared a public highway,
rtion of said creek so declared, shall be subject
regulations and enjoy the same immunities as
able streams within this state.

That the town authorities of said town of Rich-
not by any provisions of this act be compelled
t draw bridges across the said Creek or Authorities not compelled to build draw bridges.
thereof so declared a public highway; but the
uthorities of Richmond shall be compelled to
l bridges which may be necessary for the use
across said creek between the mouth of the
ne mills of the said Henry G. Moore, of suffi-
t to admit the passage of all rafts and flat boats
n that portion of the said Eagle Creek: *Provi-* Proviso.
erson or persons aggrieved by the passage of
ll be entitled to all the benefits of the provis-
pter sixteen, title six, of the revised statutes, in
damages and proceedings to ascertain the same,
laying out or altering highways, and said pro-
ay be commenced at any time before the expi-
e year from the passage of this act.

This act shall take effect and be in force from
s passage.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

d, April 9, 1852.
LEONARD J. FARWELL.

[*Published, May 26, 1852.*]

Chap 243 An Act to repeal a part of section nine of chapter one hundred and sion laws of 1849.

The people of the State of Wisconsin, rep Senate and Assembly, do enact as follows:

Act repealed

SECTION 1. That all that part of section nine one hundred and ninety-five of session laws of ginning in the fourth line of said section at the cept," be and the same is hereby repealed.

SEC. 2. This act shall take effect immediatel

J. McM. SHAFTER,
Speaker of the
E. B. DEAN, JR.,
President pro tem. of

Approved, April 9, 1852.
LEONARD J. FARWELL.
[*Published Ma*

Chap 244 An Act to authorize the collection of certain taxes in the town of He County.

The people of the State of Wisconsin rep Senate and Assembly, do enact as follows:

Tax list &c legalised.

SECTION 1. The tax list of the town of Her county of Sheboygan, for the year 1851, togeth acts and doings of the board of supervisors of relation to the collection of road and bridge on the fourth day of November of said year, declared to be legal and valid to all intents a

Thirty days allowed to collect tax.

SEC. 2. That thirty days shall be allowed, f ter the passage of this act for the purpose of col tax so raised, or any part thereof.

SEC. 3. This act shall take effect from a passage.

J. McM. SHAFTER,
Speaker of the
E. B. DEAN, JR.
President pro tem. of

Approved, April 9, 1852.
LEONARD J. FARWELL.

Chap 245 An Act to appropriate to George W. Hammett the sum thereo

The people of the State of Wisconsin rep Senate and Assembly do enact as follows:

SECTION 1. There is hereby appropriated Hammett, out of any money in the treasury no

d, the sum of twenty dollars, in full for expen-
l by said Hammett in contesting the seat of the
ew Murphy as a member of Assembly.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

d, April 9, 1852.
LEONARD J. FARWELL.

---

te Elizabeth Street in the village of Plymouth in Sheboygan County. **Chap 246**

ple of the State of Wisconsin represented in Assembly, do enact as follows:

1. That so much of Elizabeth street lying west
tee street in the village of Plymouth, Sheboy- **Street vacated.**
, be and the same is hereby vacated.
This act shall take effect from and after its

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

l, April 9, 1852.
LEONARD J. FARWELL.

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nge the name of the town of Kossuth in the county of Columbia. **Chap 247**

ple of the State of Wisconsin represented in Assembly, do enact as follows:

1. That the name of the town of Kossuth in
of Columbia, is hereby changed, and it shall **Name changed.**
e called and known in law and otherwise by the
eeds.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

d, April 9, 1852.
LEONARD J. FARWELL.

[*Published, May* 13, 1852.]

Chap 248 An Act to amend chapter nineteen, section seventy-three of the Rev

The people of the State of Wisconsin repr
Senate and Assembly, do enact as follows:

Act amended.

SECTION 1. Section seventy-three, chapter n
the revised statutes is hereby amended by add
same the following proviso: *Provided*, That if
clerk shall not enter such unpaid taxes in said
roll at the time above mentioned, then it shall
for said town clerk to enter the same in the nex
ing town assessment roll thereafter.

J. McM. SHAFTER,
Speaker of the
E. B. DEAN, JR.
President pro tem. of t

Approved, April 9, 1852.
LEONARD J. FARWELL.
[*Published Ma*

Chap 249 An Act to appropriate money for the postage of the several State

The people of the State of Wisconsin repr
Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated
master at Madison, out of any moneys in the tr
otherwise appropriated, the sum of six hundred
pay the postage of the offices of Governor, S
State, State Treasurer, State Superintendent, an
General, for the year A. D. 1852, to be drawn
from the treasury, upon the presentation of
counts properly certified by their respective offi

J. McM. SHAFTER,
Speaker of the
E. B. DEAN, JR.,
President pro tem. of t

Approved, April 9, 1852,
LEONARD J. FARWELL.

Chap 250 An Act to authorise the construction of a Free Bridge across the Milw
the town of Granville, County of Milwaukee.

The people of the State of Wisconsin repr
Senate and Assembly, do enact as follows:

Authorised to build bridge.

SECTION 1. Jacob Brazelton, John Ehlers,
Shulenberg, and their associates, are hereby au
construct a free bridge across the Milwaukee ri

ıville, county of Milwaukee, on the line be-
s one and twelve in said town.
aid bridge shall be so constructed as not to
free navigation of said river.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

April 9, 1852.
EONARD J. FARWELL.

---

ize Richard Arnold to keep and maintain a ferry across St. Croix River.

Chap 251

e of the State of Wisconsin represented in Assembly, do enact as follows:

Richard Arnold, his heirs and assigns shall t and privilege, for a period of five years, of maintaining a ferry across the St. Croix river, lor's Fall and St. Croix Falls Mills, in the Croix. Authorized to keep ferry.

uch ferry shall be subject to such regulations es, according to law fixing the rates of toll in ı which licensed ferries shall be kept and at- How regulated.

aid Richard Arnold shall be entitled to re- therwise ordered by the board of county su- crossing any vehicle drawn by two horses or ı of seventy-five cents, and for each addition- , twenty cents; for any vehicle drawn by driver, or for one horse and rider, fifty cents, es and neat cattle in droves of not less than r, ten cents; and for hogs and sheep, after ee cents, and for foot passengers, ten cents Rates of toll.

his act may be altered, amended, or repealed legislature.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

April 9, 1852.
EONARD J. FARWELL.

[*Published, May* 13, 1852.]

Chap 252

An Act granting to Ira H. Hammond and Benjamin F Heuston maintain a Ferry across the Mississippi Rive

The people of the State of Wisconsin Senate and Assembly, do enact as follows:

Authorized to keep ferry.

SECTION 1. That Ira H. Hammond and Heuston, their heirs and executors, adminis signs, shall have the right and privilege, fo seven years, of keeping and maintaining a Mississippi river, on section number 27, tow 18 north, of range number nine, west of t cipal meridian, in the county of La Crosse. shall be licensed within one mile above o below the same point.

SEC. 2. The said ferry shall be subject t tions as other ferries are or may by law b

Rates of ferriage

the proprietors thereof shall be entitled to re ing any vehicle drawn by one or two horses oxen, fifty cents, for each additional horse for man and horse, twenty-five cents; for c in droves, fifteen cents each: *Provided*, H shall not be charged more than ten cents for foot passengers, ten cents each.

SEC. 3. Any future legislature may alte peal this act.

J. McM. SHAFTE
Speaker of
E. B. DEAN, JR.
President pro tem

Approved, April 9, 1852.
LEONARD J. FARWELL.
[*Publish*

Chap 253

An Act to authorize the Board of Supervisors of the county of Je on certain county orders.

The people of the State of Wisconsin Senate and Assembly, do enact as follows:

Supervisors to pay interest,

SECTION 1. The board of supervisors of Jeffersen, are hereby authorized to pay int not exceeding twelve per cent. per annum, o have been or which may be hereafter issued do and Abram Vanderpool, contractors for

esidence in said county, for money due them
such contract, in whosesoever hands the same
law of this state to the contrary notwithstand-

shall be the duty of the treasurer of said Treasurer to pay orders.
ever there shall be money in the treasury of
to pay said orders or any of them: *Provided*,
shall have been ordered to be paid by said
notice thereof to the person or persons hold-
by personal service of a written notice, or if
is not known to the treasurer, then by posting
on the outside of the west door of the court
county, and by publishing the same in some
ublished in said county for three successive
such orders shall not be presented for pay-
six days after notice as aforesaid, no interest
ved or paid thereafter.
This act shall take effect from and after its

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

April 9, 1852.
LEONARD J. FARWELL.

---

he name of Wm. A. Rudd, and to make him the heir at law of Nelson S. and Matilda Emmons.

Chap 254

e of the State of Wisconsin represented in Assembly, do enact as follows:

The name of William A. Rudd of the town Name changed.
Dane county, Wisconsin, is hereby changed to
liam A. Emmons and by the last mentioned
ll hereafter be known and recognized in law,
otherwise.
The said William A. Emmons shall be known
ed child of Nelson S. Emmons, and Matilda
wife, of the town and county aforesaid, and
y made the heir at law of the said Nelson S. Made heir.
l his wife, and shall be entitled to all the rights
es, and be subject to all the duties of inherit-
t, and maintenance, as fully and effectually,
ame manner, as he might or should be if he

was the natural child of the said Nelson S. and Matilda Emmons.

SEC. 3. This act to take effect immediately.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved, April 9, 1852.
LEONARD J. FARWELL.

Chap 255 An Act to amend an act entitled "An Act to incorporate the City of Fond du Lac," approved March 19th, 1852.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Act amended. SECTION 1. An act entitled, "An act to incorporate the city of Fond du Lac," approved March 19th, A. D. 1852, is hereby declared to be in force from and after the fifth day of April, A. D. 1852, as fully to all intents and purposes as if said act had expressly prescribed that it should go into effect from and after that date, any law of this state to the contrary notwithstanding, and all acts and things done, and all elections held under and in pursuance of the provisions of said act, are hereby declared to be binding and lawful for all purposes therein contemplated.

Council may settle with treasurer. SEC. 2. The city council shall have full power to settle with the town treasurer of the town of Fond du Lac for any moneys he may have in his hands belonging of right to said city, and the town treasurer aforesaid is hereby required to pay any money in his hands belonging to said city, to the treasurer thereof.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved, April 9, 1852.
LEONARD J. FARWELL.

[*Published, May* 6, 1852.]

Chap 256 An Act to provide for the payment of Clerks for services in the several state offices.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following sums are hereby annually appropriated to be paid quarterly out of the state treasury,

jects hereinafter named: to the deputy secretary
n full for his salary, six hundred dollars; to the
surer and state superintendent, for clerk hire in
ective offices, the sum of six hundred dollars to
rtment.

Chapter 389 of the session laws of 1851, is
pealed.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

ved, April 9, 1852.
LEONARD J. FARWELL.
[*Published May* 19, 1852.]

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tion to insurance on property in this State made by individuals and associations authorized by law.

Chap 257

*ople of the State of Wisconsin represented in
d Assembly, do enact as folllows:*

Insurance agent to pay per centage.

1. There shall be paid to the treasurer of the
tment of the city of Milwaukee for the use and
said fire department, on the first day of Febru-
h year, by every person who shall act in the city
kee as agent for or on behalf of any individual
tion of individuals not incorporated by the laws
te, to effect insurances against losses or injury by
city of Milwaukee, although such individuals
ion may be incorporated for that purpose by any
e or country, the sum of two dollars upon the
dollars, and at that rate upon the amount of all
which, during the year or part of a year ending
xt preceding first day of January, shall have been
by such agent or person, or received by any other
r him, or shall have been agreed to be paid for
ance effected or agreed to be effected, or promised
such agent, or otherwise against loss or injury
the city of Milwaukee.

To execute bond

No person shall in the city of Milwaukee, as
otherwise, for any individual, individuals, or asso-
ffect or agree to effect any insurance upon which
above mentioned is required to be paid, or as
otherwise procure such insurance to be effected,
shall have executed and delivered to the said
a bond to the fire department of the city of Mil-
n the penal sum of one thousand dollars, with
ties as the said treasurer shall approve, with a

condition that he will annually render to the said on the first day of February in each year a just account, verified by his oath that the same is just of all premiums which, during the year endi first day of January preceding such report, shall received by him or any other person for him, or be paid for any insurance against loss or injury the city of Milwaukee, which shall have been promised by him, or agreed to be effected, or pr him to be effected from any individual or indi association not incorporated by the laws of this s said, and that he will annually on the first day ry in each year, pay to the said treasurer two dol every hundred, and at that rate upon the amou premiums.

Penalty for neglect to execute bond.

Sec. 3. Every person who shall effect, agree promise or procure any insurance specified in th ing sections of this act, without having execute livered the bond required by the preceding sect for each offence forfeit one hundred dollars for the said fire department; such penalty of on dollars shall be collected in the name of the fire d of the city of Milwaukee.

Agent to report to fire department.

Sec. 4. Every person who, at any time he agent or otherwise for any individual or individ sociation, may in the city of Milwaukee effect o effect any insurance specified in the preceding this act, shall on the first day of February in eac within ten days thereafter, and as often in each shall alter or change his place of doing busin said city, report in writing under his proper sig the treasurer of the fire department in the city kee, the street and the number thereof in the sa his place of doing business as such agent, or othe ignating in such report the individual or indivi association or associations for which he may be or otherwise. And in case of default in any of ticulars, such person shall forfeit for every offen of one hundred dollars, to be recovered and c the name of the people of this state, for the use department in the city of Milwaukee.

Penalty.

Where act to apply.

Sec. 5. The provisions of this act, except sec shall apply to every other city or village in th which now or hereafter shall exist a regularly fire department, and in case of there being no s as treasurer of the fire department of any such lage, the provisions of this act, so far as they a

n, shall apply to the treasurer of such city or vil-
the treasurer of such city or village shall, under
ion of the proper authorities of such city or vil-
over all moneys received or recovered under this
fire department of such city or village: *Provi-* Proviso.
the penalty of the bond required by the second
this act, shall not exceed five hundred dollars
ecuted under the provisions of this section.

J. McM. SHAFTER,
Speaker of the Assembly.

E. B. DEAN, JR.,
President pro tem. of the Senate.

ved, April 9, 1852.
LEONARD J. FARWELL.

[*Published, May* 20, 1852.]

An Act appropriating money to the County of Brown.

Chap 258

eople of the State of Wisconsin represented in nd Assembly, do enact as follows:

N 1. There is hereby appropriated to the county , to be paid out of any money in the treasury not appropriated, the sum of two hundred and twen-llars and one cent, in full for money appropria-id county of Brown, to the payment of the ex-which said county had been subjected on account g Alexander McCarty, a state prisoner confined e jail of said county, and retaking said McCarty escape.

J. McM. SHAFTER,
Speaker of the Assembly.

E. B. DEAN, JR.
President pro tem. of the Senate.

ved, April 9, 1852.
LEONARD J. FARWELL.

An Act to change the name of the Town of Quitquioc.

Chap 259

eople of the State of Wisconsin represented in nd Assembly do enact as follows:

N 1. The name of the town of Quitquioc, in the Name changed.
f Sheboygan, is hereby changed to Plymouth, and

it shall hereafter be known by that name in la
erwise.

J. McM. SHAFTER,
Speaker of the
E. B. DEAN, JR.
President pro tem. of

Approved, April 9, 1852.
LEONARD J. FARWELL.
[*Published Ma*

Chap 260 An act to authorize the Milwaukee and Lisbon Plank Road Company t

The people of the State of Wisconsin, rep
Senate and Assembly, do enact as follows:

May borrow money. SECTION 1. The Milwaukee and Lisbon P
Company is hereby authorized to borrow money
in the construction and equipment of said r
branches, and to make, execute, and deliver in
rate name of said company, all necessary m
the road, and proper bonds, certificates, notes
Proviso. writings, to secure the payment thereof: *Pro*
the aggregate of such security shall not exceed
time, one-half of the whole amount actually ex
said company in the construction of said ro
branches.

SEC. 2. This act shall take effect from and a
sage.

J. McM. SHAFTER,
Speaker of the
E. B. DEAN, JR.
President pro tem. of

Approved, April 9, 1852.
LEONARD J. FARWELL.
[*Published M*

Chap 261 An Act to incorporate the Rosendale and Little River Plank Roa

The people of the State of Wisconsin rep
Senate and Assembly, do enact as follows:

Commissioners. SECTION 1. That Eli W. Daniels, George B
lyn Boardman, Edgar Sears, Roderick D. Hath
uel Boardman, G. H. B. Vincent, David H.
Joseph Schribner, be and they are hereby appo
missioners under the direction of a majority of
scriptions may be received to the capital stock

and Little River Plank Road Company, hereby in-
ated, and they may cause books to be opened at such
nd places as they shall direct, for the purpose of re-
subscriptions to the capital stock of said company,
ving thirty days' notice of the times and places of
such subscriptions, by publishing the same in one
e of the nearest newspapers.

2. It shall and may be lawful for said company, May enter upon lands.
fficers, engineers, or agents, to enter upon any lands
purpose of exploring, surveying, and locating the
f said plank road, doing thereto no unnecessary dam-
nd when said route shall be determined by the said
ny, it shall be lawful for them, their agents, officers,
ers, contractors, and servants, at any time to enter
ake possession of, and use such lands not exceeding
ds in width, along the line of said road, subject,
er, to the payment of such compensation as the com-
nay have agreed to pay therefor, or as will be ascer-
in the manner hereinafter directed: *Provided*, That
cases as may be necessary for the company to ob-
avel and stone, or to make excavations and embank-
for the construction of said road, the company may
the route of said road, not to exceed six rods in
and they may also cut down such trees on each
said road as may endanger said road by falling or
ise.

3. When the said corporation shall not agree with
ner or owners of any land, gravel, stone, or other
al required for the construction of said road for the
e thereof, or for the compensation to be paid there- How damages settled.
when, by reason of the absence or legal incapacity
owner or owners, no such agreement or purchase can
de, then and in any such case, it shall be lawful
justice of the peace to issue a warrant directed to
riff or any constable of said county, not directly in-
d, requiring him to summon a jury of nine freehold-
said county, not interested in said property, to meet
tice at some convenient place, at or near the proper-
e valued, on a day in said warrant named, not less
ve nor more than ten days from the date of said
t; and if at the time and place named, any of the
so summoned do not attend, the said sheriff or
le shall immediately summon as many as may be
ry, with the persons in attendance as jurors,
ish a pannel of nine jurors, and from them the
ompany or the owner or owners of said property
alued, their agent or attorney, or either of them,

and if they are not present in person or by attor
sheriff or constable shall for him, her, or them,
each two of said jurors, and the remaining five
as a jury of inquest of damages. Before they act
the said justice of the peace shall administer to
them an oath or affirmation, that they will faithf
impartially value the land and material required
road, and all damages which the owner or owners
tain by reason of the construction of said road, a
to the best of his skill and judgment; whereupon
justice and jurors shall proceed to review the sai
material so required, and to hear the evidence o
spective parties, which the said justice shall reduc
ting, which shall be signed by the said justice, and
dict of the said jurors thereon shall be signed by
rors or a majority of them, and by the justice of th
and the said justice of the peace shall within
thereafter, transmit the same to the clerk of th
court of the proper county, who shall file the same
inquisition shall describe the property taken or to
or the boundaries of the land in question, and t
thereof as aforesaid, and such valuation, when
gether with the costs of such inquisition, or tender
owner or owners, or deposited with the said court,
title the said company to the estate and interes
same thus valued as if it had been conveyed by t
or owners thereof, so long as the land thus valued
ken shall be used for the track of said plank road

Proviso. *ded*, That it shall not be lawful for any justice o
inquest to proceed in the valuation of any such pr
material in the absence of the owner or owners th
her, or their legal representatives, unless it be ma
pear by affidavit that such owner or owners have
least five days' notice of the time and place of me
the purpose of making such valuation, or unless i
like manner be shown that such owner or owners
age or *non compos mentis*. Such service of notice
made upon the guardian or trustee, under the sam
tions as in case of owners, or if there be no gua
trustee, the same shall be established by affidavit
ded, That no such materials shall be taken if the j
decide that the same are essential to the owner o
thereof.

Sec. 4. The capital stock of said company sha
ceed one hundred thousand dollars to be divided in
of twenty dollars each; and as soon as one hundr
of the capital stock shall be subscribed, and five

n, the subscribers of such stock with such other persons ll associate with them for that purpose, their succes- nd assigns shall be and they are hereby created and ed a body corporate and politic by the name and of the Rosendale and Little River Plank Road Com- with perpetual succession, and by that name shall pable in law of purchasing, holding, selling, leasing, onveying estate, real, personal, or mixed, and in corporate name may sue and be sued, may have a on seal, which they may alter or renew at pleasure, ay do all things which are authorized by law for the st and well being of said company. Created a body corporate.

5. The said commissioners or a majority of them, he said one hundred shares shall have been subscrib- aforesaid, shall give a least twenty days' notice in wspapers heretofore mentioned of the time and place eeting of the stockholders, for the purpose of elect- ven directors, and annually thereafter the said stock- s shall meet on the first Monday in January, for the se of electing directors as aforesaid upon a like pre- notice to be given by a majority of the directors for ne being in such newspapers as they may think prop- *rovided*, That previous to the first election, the com- ners hereinbefore named shall elect one of their r president, and they shall perform all the duties and ested with all the power of directors: *Provided r*, That if from any cause an election shall not be t the regular time specified therefor, the same may d at any other time, on notice as aforesaid; that until lection, the directors of the preceding year shall con- o act and this charter shall not be avoided by rea- irregularity, or want of such election, and in case vacancy in the board of directors, the same shall d by the other directors or a majority of them. May call meeting. Proviso.

6. The affairs of said company shall be managed oard of seven directors who shall be stockholders and sen annually by ballot by the stockholders of said ny, the votes to be given in person or by proxy duly ized, which directors shall appoint one of their num- esident, and shall serve until others are elcted in their They shall make and establish such by-laws, rules, and regulations as may be necessary for the well ng of the affairs of said company. Each share of hall be entitled to one vote, and in all cases of elec- r directors, the seven stockholders having the great- mber of votes shall be declared duly elected. Board of directors.

7. Five directors shall constitute a quorum for the

Quorum. transaction of business, who, in the absence of dent may appoint a president *pro tem.* They, directors, shall appoint a secretary and treasurer, engineers and other officers as they may find n they shall have full power to decide the time and which the said stockholders shall pay the mon their respective shares, may declare forfeited to the company the share or shares of every pers to pay any installment at a reasonable period not thirty days after the time appointed for the thereof.

To issue certificates. SEC. 8. The commissioners, until the directors sen, shall issue certificates to each stockholder for ber of shares he or she shall subscribe for or hold corporation, signed by the president and counters the secretary, subject to all the payments due a come due thereon, which stock shall be transfera such regulations as may be provided by the by-la company. The commissioners shall also have po termine the route for the aforesaid plank road, to menced at some eligible point in the village of R and to pass through the villages of Ripon and Sa along the public highway connecting those poin by the nearest and best route to Little River Mill pacca county.

Power to construct road. SEC. 9. The said company shall have powe struct a single or double track plank road upon t said route. The track shall be constructed of pla gravel or charcoal, in whole or in part, so that shall constitute a firm and smooth surface for the of wagons and carriages. The directors shall ex powers conferred on them by law; shall audit an accounts against said company; fix the compensa salary of officers; they may appoint and meet times and places as they may prescribe in the b be made by them; they may appoint and remove cers at pleasure, prescribe the meeting of the stoc and declare and pay the dividends which may the shares of said stock to the stockholders of sai ny on the first Monday of July and January in ea

Rates of toll. SEC. 10. A majority of the directors may c the point at which this road shall be commenced part to be first constructed. They may erect toll exact toll from persons traveling their road, when miles are finished, or whenever the whole road i ted, not exceeding two cents a mile for every vehi by two animals, and if drawn by more than two

mile for every additional animal; for every ve-
wn by one animal, one cent a mile; and for every
rider or led animal, one cent a mile; for every
heep or swine, two cents a mile; and for every
eat cattle, six cents a mile.

. If said corporation shall not within three years How charter for-
passage of this act commence the construction of feited.
road, and expend one thousand dollars or more
nd shall not within ten years complete the road,
ights, privileges and powers of the said corpora-
this act shall be null and void.

J. McM. SHAFTER.
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

ed April 9, 1852.
LEONARD J. FARWELL.
[*Published, April* 28, 1852.]

An Act to amend chapter thirty of the Revised Statutes.

Chap 262

*ople of the State of Wisconsin represented in
d Assembly, do enact as follows:*

1. Chapter thirty, of the revised statutes, is
nended so as to make the several provisions of Act amended.
ter applicable to all of the territory of St. Croix

This act shall take effect from and after its pub-

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

ed April 9, 1852.
LEONARD J. FARWELL.
[*Published May* 6, 1852.]

---

ing in what district personal property shall be taxed for school purposes.

Chap 263

*ople of the State of Wisconsin represented in
d Assembly do enact as follows:*

1. All the personal property assessed for taxa-
y one town or city, in the name of, or belonging How property
n residing in such town or city, and which said taxed.
nship) or city, shall be divided into two or more
tricts, shall, for school purposes, be liable to tax-

ation in that district, and that only, in which
actually resides.

Conflicting acts repealed.

SEC. 2. All laws or parts of laws conflicti
contravening the provisions of this enactment,
repealed.

J. McM. SHAFTER.
Speaker of the
E. B. DEAN, JR.,
President pro tem. of

Approved, April 9, 1852.
LEONARD J. FARWELL.
[*Published M*

Chap 264 An Act to appropriate to Donaldson & Tredway the sum there

The people of the State of Wisconsin rep
Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to
& Tredway the sum of nineteen dollars and
cents, in full for bill of goods to January the 30t
of any money in the treasury not otherwise ap

J. McM. SHAFTER,
Speaker of th
E. B. DEAN, JR.,
President pro tem. of

Approved April 9, 1852.
LEONARD J. FARWELL.

Chap 265 An Act to repeal chapter 212 of Session Laws of 185

The people of the State of Wisconsin, rep
Senate and Assembly, do enact as follows:

SECTION 1. Chapter 212 of the session law
entitled "An act for the relief of the town o
and the same is hereby repealed.

SEC. 2. This act shall take effect and be in
and after its passage.

J. McM. SHAFTER,
Speaker of the
E. B. DEAN, JR.
President pro tem. of

Approved, April 9, 1852.
LEONARD J. FARWELL.
[*Published A*

change the time of holding the Circuit Court in Calumet County. **Chap 266**

ple of the State of Wisconsin represented in d Assembly, do enact as follows:

1. The November term of the circuit court for of Calumet, shall hereafter be on the Tuesday the third Monday in November in each year, the time heretofore required by law. When term of court to be held.

So much of any and all former acts as conflict rovisions of this act, is hereby repealed.

This act shall take effect from and after its

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

ed, April 9, 1852.
LEONARD J. FARWELL.

An Act for the relief of William Archer. **Chap 267**

ple of the State of Wisconsin, represented in d Assembly, do enact as follows:

1. That Samuel Thompson a justice of the ne town of Lisbon, county of Waukesha, be and by directed to refund to William Archer the fine collected by said Thompson from said Arch- twenty-seventh day of January last, deducting t of cost incurred in the case in which said fine ted: *Provided, however*, That if said justice paid over the said fine to the town treasurer or person authorized to receive the same, then and e, the person or officer who may now have said his hands shall pay the same over as above pro- To refund money.

This act shall take effect immediately.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

ed, April 9, 1852.
LEONARD J. FARWELL.

Chap 268

An Act to legalize and establish a public highway therein

The people of the State of Wisconsin rep
Senate and Assembly, do enact as follows:

Established a public highway.

SECTION 1. The public highway heretofore
the joint action of the supervisors of the town
in Dane county, and the town of Brooklyn, in
ty, upon the county line between said counties
said towns, commencing in the state road l
New Albany in Green county, to Wm. Quive
county; thence west on said county line to the
said township, is hereby established at three
and the same is hereby declared a public high
width.

SEC. 2. This act shall take effect immediate

J. McM. SHAFTER,
Speaker of th
E. B. DEAN, JR.
President pro tem. of

Approved, April 9, 1852.
LEONARD J. FARWELL.

Chap 269

An Act to legalize a State Road therein named.

The people of the State of Wisconsin rep
Senate and Assembly, do enact as follows:

Declared legal highway.

SECTION 1. The state road laid out and estab
the house of S. B. Newcomb, on the north-eas
section thirty, town seven, of range nine east,
ty of Dane; thence as laid out by the commi
pointed by act of the legislature, approved M
1851, to Mineral Point, in Iowa county, by w
Mounds, is hereby declared to be a legal high
line and route so established by said commissio

Supervisors to open road.

SEC. 2. The town supervisors are hereby aut
required to proceed to open said road immediat
each town in which any part of said road may

SEC. 3. This act shall be in force after its pa

J. McM. SHAFTER,
Speaker of the
E. B. DEAN, JR.,
President pro tem. of

Approved April 9, 1852.
LEONARD J. FARWELL.
[*Published J*

to incorporate the Oshkosh and Waupun Plank Road Company. **Chap 270**

ople of the State of Wisconsin represented in l Assembly, do enact as follows:

1. That Walter H. Weed, Lucas M. Miller, Brown, Orlando B. Reed, Chester Ford, Samuel Daniel B. Whitacre, Clinton Mattison, Farnum , and Josiah Drummond, be and they are here- ed commissioners, under the direction of a ma- hom subscriptions may be received to the cap- f the Oshkosh and Waupun Plank Road Com- by incorporated, and they may cause books to be such times and places as they shall direct, for e of receiving subscriptions to the capital stock npany, first giving thirty days' notice of the times of receiving such subscriptions, by publishing one or more newspapers printed in Winnebago lu Lac counties. Commissioners.

2. The capital stock of said company shall be sev- housand dollars, in shares of twenty dollars as soon as two hundred shares of the capital be subscribed, and five per cent. of the amount ually paid in or secured to the said company, the of such stock with such other persons as they fter associate with them for that purpose, their and assigns, shall be and they are hereby crea- clared a body corporate and politic by the name the "Oshkosh and Waupun Plank Road Com- perpetual succession, and by that name shall in law of purchasing, holding, selling, bargain- nveying estate, real and personal, or mixed; in rate name may sue and be sued, may have a al, which they may alter or renew at pleasure, lly may do all and singular the matters and h an incorporated company may by law do. Capital stock.

3. The said commissioners, or a majority of them, wo hundred shares of stock shall have been sub- aforesaid, shall give at least twenty days' notice ore of the newspapers of the said counties of and Fond du Lac, of the time and place of the the stockholders for the purpose of electing rs, who shall hold their offices until their suces- cted, and annually thereafter upon the anniver- first election, upon notice of the place of meet- given by the directors then in being, being pub- e or more of the newspapers in the counties o be designated by the said directors: *Provi-* To call meeting

Proviso.

ded, That until the first election of directors th
missioners above named, upon the subscription
dred shares of stock and the organizing of sa
sioners by the election by them of one of th
president, shall have all the powers and perform
ties of a board of directors for said company, a
porate existence of said company shall be take
to have begun and be complete as if a regular
directors had taken place; and in case of a vac
time happening in the board of directors or
board of commissioners acting in the capacity
the board shall have power to fill such vacancy

Sec. 4. The affairs of said company shall b
by the said directors, who shall be stockhold
Board of directors. chosen by ballot by the stockholders in person
duly authorized, and in all elections, and in the
of all questions acted upon at any meeting o
holders, each share of stock shall be entitled t
and the majority of votes cast shall govern, ex
tions where the five persons having the greates
votes cast for directors, shall be declared duly

Sec. 5. A majority of said directors shall
Powers. rum for the transaction of all business, and sh
by choosing one of their number president, an
have power to appoint a secretary and treasure
other officers and agents as they shall deem fit,
their compensation, and may demand adequ
for the performance of their respective trusts,
move said officers and revoke the powers of su
pleasure. They shall also have power to mal
sary and proper by-laws, rules and regulations,
agement of said company, the subscription o
payment of installments thereon, the assignme
fer of stock certificates, and prescribing the d
cers, all of which by-laws not inconsistent with
tution and laws of this state, when duly reco
books of the company, shall be effectual and b
the members of said company and all person
therein, as if the same formed a part of this
poration.

Further powers. Sec. 6. The said board of directors shall als
er to decide the time and manner in which sai
ers shall pay installments upon their stock, and
the forfeiture of said stock, and all pay or payn
on, for failure to pay such installments as ma
for, and also to adopt, in behalf the company,
ment of any stock subscribed, and execute to t

linquishing the same, valid releases, discharging all liabilities thereafter for and on account of the d company or its officers.

The said directors shall have power to regulate make such covenants and contracts, in the name the seal of said company, with any person or the execution and management of the work and nience and interest of the company may require, ssue to each stockholder a certificate or certifi- ne amount paid on such share at the time of is- uch certificate, which certificate or certificates gned by the president and countersignrd by the of said company, and such certificate or certifi- be transferable in the manner prescribed by the said company. To issue certificates.

The said company shall have power to locate ruct a single or double track road from the village h, in Winnebago county, to the town of Rosen- from thence to the town of Waupun, in Fond unty, by the most eligible and practicable route ctors shall decide. The track of said road shall acted of plank, stone, gravel, charcoal, or either, or in part, each at the option of the directors, so ame when completed shall constitute a firm, reg- proper surface for the passage of wagons and car- Route of road.

It shall and may be lawful for said company, ers, engineers or agents, to enter upon any lands nrpose of exploring, surveying, and locating the aid plank road, doing thereto no unnecessary dam- when said road shall be determined by the said it shall be lawful for them, their agents, officers, contractors, and servants, at any time to enter possession of, and use such lands, not exceeding in width along the line of said route, subject, how- ne payment of such compensation as the compa- ave agreed to pay therefor, or as will be ascer- the manner hereinafter directed: *Provided*, That ses as may be necessary for the company to ob- l and stone, or to make excavations and embank- the construction of said road, the company may route of said road, not to exceed four rods in d they may also cut down such trees on each side ad as may endanger said road by falling or oth- May enter upon lands.

). When the said corporation shall not agree with r or owners of any land, gravel, stone or other How damages settled.

material required for the construction of said ro
purpose thereof, or for the compensation to be
for, or when by the reason of the absence or legal
of the owner or owners, no such agreement or pa
be made, then and in any such case, it shall be
any justice of the peace to issue a warrant, dire
sheriff or any constable of said county, not dir
ested, requiring him to summon a jury of nine
of said county, not interested in said property, t
said justice at some convenient place at or nea
erty to be valued, on a day in said warrant nam
than five nor more than ten days from the date o
rant; and if at the time and at the place nam
the persons so summoned do not attend, the said
constable shall immediately summon as many
necessary, with the persons in attendance as ju
nish a pannel of nine jurors, and from them the
pany or the owner or owners of said property to
their agent or attorney, or either of them, and
not present in person or by attorney, the sheriff
ble shall for him, her or them, strike off, each, t
jurors, and the remaining five shall act as a jury
of damages. Before they act as such, the said
the peace shall administer to each of them an o
mation that they will faithfully and impartially
land and material required for such road, and a
which the owner or owners shall sustain by re
construction of said road, according to the best o
and judgment; whereupon the said justice and
proceed to review the said land or material so re
to hear the evidence of the respective parties,
said justice shall reduce to writing, which shall
by the said justice, and the verdict of the s
thereon shall be signed by the jurors or a majori
and by the justice of the peace; and the said
the peace shall within five days thereafter tr
same to the clerk of the district court of the pro
who shall file the same. Such inquisition sha
the property taken or to be taken, or the bound
land in question, and the value thereof as afo
such valuation, when paid, together with the co
inquisition, or tendered to the owner or owners, o
with the said court, shall entitle the said compan
tate and interest in the same thus valued, (and
had been conveyed by the owner or owners thereo
the land thus valued and taken shall be used for
Proviso. of said plank road: *Provided*, That it shall not

justice and jury of inquest to proceed in the val-
f any such property or material in the absence of
er or owners thereof, his, her or their legal repre-
es, unless it be made to appear by affidavit that
ner or owners have had at least five days' notice of
e and place of meeting for the purpose of making
uation, or unless it shall in like manner be shown
h owner or owners are under age or *non compos*
Such service of notice may be made upon the guar-
trustee, under the same restrictions as in the case
rs, or if there be no guardian or trustee, the same
established by affidavit: *Provided*, That no such Proviso.
ls shall be taken if the jury shall decide that the
e essential to the owner or owners thereof.

11. The directors shall have power in their dis- May construct road on highway
to construct said plank road along and upon any
highway, now or hereafter to be laid, opened, and
ned by the proper authorities, and of such width
uch manner as the said directors shall determine:
d, That such authority shall first proceed from the
ors of the town in which such public highway may
ted; and they may erect toll gates and exact toll
rsons traveling on their road whenever five consec- Rates of toll.
iles are finished, or when the whole road is comple-
exceeding two cents per mile for every vehicle, sled,
r carriage drawn by two animals; and if drawn by
an two animals, one cent per mile for every addi-
nimal; for every sled, sleigh or carriage drawn by
mal, one cent per mile; and for every horse and
led animal, one cent per mile; for every score of
r swine, one cent per mile; and for every score of
ttle, four cents per mile: *Provided*, That persons Proviso.
and from military parade, at which they are re-
by law to attend, and persons going to or returning
nerals shall be exempt from tolls. The toll gath-
each gate, when erected on said road in pursuance
act, may detain and prevent from passing such gate
mal or carriage subject to toll, until the toll thereon

12. The said directors may receive from any stock- May receive property on subscriptions.
in said company, in lieu of money for the stock sub-
by him, real or personal property, to be approved
said board of directors, and upon the acceptance of
curity from said stockholders or any of them, the
ption of such stockholder shall be considered as paid,
tificates of stock shall be issued to said stockholder
ame manner as if he had paid in the full amount of

his subscription in money; and it shall be comp
the said stockholders paying their subscription
stock in securities as aforesaid, to contract and
said company interest at the rate of twelve per ce
a period not exceeding ten years, and to execute
company by its corporate name, bonds, mortgages
for such stock which shall be available for the use
efit of said company and for all subsequent hold
of, and be transferable by them in the same ma
the same were made payable to individuals or to
der or assigns.

Penalty for damage to road.

SEC. 13. If any person shall willfully or know
struct, break or destroy the said road to be const
the said company, or any part thereof, or any wor
ings or fixtures attached to or in use upon the
longing to said company, such person or persons
ing shall each of them, for every such offence, be
a civil suit for the recovery of damages by said
by an action of trespass, in any court having c
jurisdiction in the county wherein the offence sh
been committed, and shall also be subject to in
and upon conviction, shall be punished by fine an
onment, or either, at the discretion of the court.

Penalty for evading toll.

SEC. 14. Any person who shall willfully breal
down any gate on such road, which may have bee
in pursuance of this act, or do any damage to said
forcibly or fraudulently pass such gate, without ha
the legal toll, or to avoid the payment of legal t
with his team, carriage or animal, turn out of said
pass any gate thereon or ground adjacent the
again return on said road, shall for each offence for
not exceeding ten dollars to and for the use of sai
ny, and also for all damages done to the profi
company in an action of trespass.

May increase capital stock.

SEC. 15. The directors of said company, at an
or special meeting of the stockholders, with the c
a majority in amount of said stockholders, may pr
such increase of the capital stock of said compan
be found necessary to complete said road in such
as may have been actually commenced but rema
unfinished state for want of means to complete th

How charter forfeited.

SEC. 16. If said company shall not within fi
from the passage of this act, commence the constr
said plank road, and expend three thousand d
more thereon, and shall not within ten years from
sage of this act, construct, finish, and put in ope
single or double track plank road, the rights, privi

of the said corporation, under this act, shall be null
d.

17. This act shall be favorably construed to effect
oses thereby intended, and the same is hereby de- Public act.
o be a public act, and copies thereof printed by
y of the state shall be received as evidence thereof.

18. This act may be altered or amended by any
egislature of the state of Wisconsin.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

oved April 9, 1852.
LEONARD J. FARWELL.
[*Published May* 26, 1852.]

An Act to declare certain lands a public highway. Chap 271

*people of the State of Wisconsin represented in
and Assembly, do enact as follows:*

on 1. All that portion of land one hundred and Declared highway.
ive feet in width, on each side of the centre of the
ading from the main channel of the Mississippi
Grant river, is hereby declared a public highway.

2. The judge of the circuit court of the county of
hall appoint three disinterested persons commis- Commissioners
o view the land so made a highway, and assess the
s that may be sustained by the owner or owners
land, by reason of such land being taken for
rpose, and on full payment of all such damages,
y have been assessed being made by the trustees of
n of Potosi, to the owner or claimant of such land,
l so made and declared a highway by the first sec-
this act, for the purpose of a common highway,
all purposes of finishing the canal and the neces-
pair thereof, shall vest in the state of Wisconsin,
no other purposes whatever.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

oved, April 9, 1852.
LEONARD J. FARWELL.
[*Published June* 2, 1852.]

Chap 272 An Act to amend chapter eighty-eight of the Revised Statut

The people of the State of Wisconsin repre Senate and Assembly, do enact as follows:

When property to be given up.

SECTION 1. In all actions of replevin hereafte fore a justice of the peace, in which an orde presented, judgment rendered agreeably to the of sections one hundred and fifty and one hu fifty-one of chapter eighty-eight of the revised st property named in such order shall not be deliv party in whose favor the same is entered, until t tion of twelve hours after such order is enterd.

To file affidavit.

SEC. 2. If, within twelve hours after the ent order, the losing party shall file with the justice vit setting forth that he believes injustice done him, in the cause in which such order is en that he intends to remove such cause to the cou by appeal or certiorari, then the property shall livered to the successful party, until the time for appeal or certiorari, as the case may be, shall hav unless the party in whose favor the said order is en before such delivery, enter into a recognizance in amount of property replevined before the justice or more sureties to be approved by the justice, an in the following form: "We, ——— and ——— edge ourselves to owe and be indebted unto —— sum of ——— dollars, to be levied of our seve

Recognizance.

and chattels, lands, and tenements, to the use of his assigns, if default be made in the conditions to wit: Whereas, the said ——— did, on the —— ——, A. D. 18—, sue out a writ of replevin befo Esquire, a justice of the peace in the county on which the following described property, to wi ——————— was replevied; and whereas, such ings were had in said cause that the said justi the —— day of ——, A. D. 18—, order tha property be delivered to ———; and whereas, ——— did, within twelve hours, make and the said justice an affidavit that he believed inj been done him in said cause, and that he inter move said cause to the county court. Now, i ——— shall remove said cause to the county co the judgment rendered by said justice shall be r said county court, the said ———shall retu property to the said ———, and abide the order ment of the court in the premises, then this rec to be void; otherwise of force.

. 3. If, at the expiration of the time for appeal or When property to be delivered.
ari, the appeal or certiorari has been perfected and
uccessful party has not filed the recognizance
oned in the second section, then the property shall be
red to the party bringing such appeal or certiorari.
. 4. The recognizance to be given on appeal or cer- Amount of recognizance.
, in cases mentioned in this act, shall be in a sum
s than double the amount of property as found by
stice or jury.
. 5. In all cases of appeals in actions of replevin Form of verdict.
to the circuit or county court, the finding or verdict
jury the judgment or order of the court and the ex-
n issued thereon, shall be, so far as practicable, the
as if the action had been originally commenced in
ourt, and a plaintiff or defendant having possession
property by virtue of this act, shall be regarded,
e purposes expressed in this section as a plaintiff
btained such possession by means of the issuing of a
f replevin, or a defendant who retained such posses-
otwithstanding the issuing of such writ.
. 6. This act shall take effect from and after its pas-

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

proved, April 9, 1852.
LEONARD J. FARWELL.
[*Published, June* 2, 1852.]

An Act concerning the County Seat of LaFayette County. **Chap 273**

e people of the State of Wisconsin represented in e and Assembly, do enact as follows:

CTION 1. There shall be held, in the several towns of Special election
ounty of LaFayette, in this state, on the third Tues-
n the month of May, in the year of our Lord one
and eight hundred and fifty-two, a special town meet-
for the exclusive purpose of voting on the question of
val of the county seat of said county from Shullsburgh
von, in said county; which latter place is hereby fix-
the point to which it is proposed to remove the coun-
t of said county.
. 2. All votes given or cast on the question of the re- Form of ballot.
l of said county seat shall be by ballot, and shall be ei-
written or printed or partly written and partly printed;
hall be in one of the following forms, viz: "County seat"

"For removal of county seat to Avon;" or "Coun
"Against removal of county seat to Avon." And
form of ballot shall be counted or allowed, in the
of said votes, under any pretence or pretext whate
shall be deemed to be and are hereby declared
void.

To prepare ballot box.

Sec. 3. The inspectors of said town meeting
of said towns shall prepare a box wherein they s
posit the ballots aforesaid. Before receiving an
said inspectors shall respectively examine and see t
box is empty, after which they shall lock the san
said box shall remain so locked until opened by the
ers as hereinafter provided. So soon as the polls
ed, the inspectors shall closely seal up said box,
same shall remain so sealed, until opened by s
vassers.

To copy poll list

Sec. 4. The inspectors of each poll shall make
to be made, a correct copy of the poll list and of t
taken and subscribed by the inspectors and clerk
they shall in writing, over their official signatures
the same so to be. Some one of said inspectors
poll, shall take such certified copies, and the sai
locked and sealed as aforesaid, and convey the san
deposit them with the clerk of the county board of
sors of said county at his office, within three days ne
the said town meeting shall be held; and within fo
after the expiration of said three days, the said bo
be opened, and the votes therein counted, rejected,
ed, or allowed, as hereinafter provided, by the cler
circuit court of said county, the register of deeds
and the said clerk of the said county board of sup
Charles Dunn, Charles H. Lamar, and George S
ger, of said county, who, for that purpose, are her
clared to be a board of canvasser. And in case
officers, or any, or either of them, are absent, or fr
ness or other cause, are unable to attend to such
ing, then and in that case, the deputy of such off
spectively shall perform said duty.

How canvassers to proceed.

Sec. 5. Said canvassers shall count the number
lots contained in each box so accompanied with the
of oaths and poll lists certified as in the last sectio
tioned; and shall compare the number of votes
with the poll list with such box belonging; and if t
ber of ballots do not exceed the number of voters
contained in the poll list therewith accompanying, t
shall be allowed, if in all other respects conformabl
provisions of this act, and not otherwise; unless

that some person voted more than one ballot, and
case or cases, they shall not be allowed, but shall
sidered, and are hereby declared to all intents and
es, void, and shall be, by said canvassers de-
d. In case any box shall contain a greater number
ots than there are voters' names on the poll list there-
esponding; the canvassers shall destroy an equal num-
ballots containing the words "for" and "against" until
ater number remains than there appears to have been
in case there be a sufficient number of each kind to
e such reduction, and if not, then such as there may
such box shall be destroyed, until the number of
remaining, shall be exactly equal to the number of
appearing on such list. Said canvassers shall then
d to count and allow all other ballots, and shall make
tatement of the result, in which they shall set forth
mber of votes cast, and allowed "For removal of
seat to Avon," and "Against removal of county seat
n," and shall append thereto a certificate that the
s in all respects true and correct; which certificate
e by them signed as canvassers in triplicate, one of
certificates shall be taken by each of said officers
ed away in their respective offices. And such state-
ent so certified and filed shall have the force and ef-
a record, for the purposes of being used as evi-

6. In case a majority of the votes so as aforesaid
sed shall be "For removal of county seat to Avon," Location of county seat.
nd in that case the county seat of said county shall be
Avon; otherwise the said county seat shall be and
at said Shullsburg; in neither of which cases
urther legislation be necessary.

7. All laws now in force relative to elections or General laws to apply.
meetings shall apply and extend to the special town
g provided for in this act, except so far as special
on is made in this act, and excepting also, so far as
ws may be repugnant to, or in contravention with
visions of this act.

8. It shall be the duty of the county board of su- To erect county buildings.
ors of said county to take measures for the speedy con-
on, erection, and final completion of the proper offi-
l, and court house for said county, at the county seat
county, as provided in this act; and such meas-
all be so taken or commenced by the first day of
f this present year. Each and every member of
ounty board of supervisors who shall intentionally
or neglect to comply with the provisions of this sec-

tion, shall be deemed guilty of a misdemeanor, an
viction thereof shall be punished by fine of not
two hundred dollars, nor more than two thousand
or by imprisonment in the county jail not less th
months nor more than one year.

Illegal voting.

SEC. 9. Any person who shall knowingly v
than once under the provisions of this act,
vote or offer to vote more than one of such ballots
said intentionally, or without voting, put in or su
put in any such box as aforesaid, any ballots as a
shall be deemed guilty of a misdemeanor, and o
tion thereof, shall be punished by fine of not less
hundred dollars nor more than five hundred dolla
imprisonment in the county jail not less than thre
nor more than one year.

How ballots folded.

SEC. 10. The ballots hereinbefore mentioned
so folded as to leave the words "County seat" vis
all the balance invisible; and unless so folded, th
tors shall refuse to receive the same.

Fee

SEC. 11. The persons conveying the boxes and
copies as aforesaid shall each be entitled to the li
pensation as others making election returns to the
the board of county supervisors. The canvass
each be entitled to the sum of five dollars for their
under the provisions of this act. The compensa
vided for in this section shall be paid by said cou

Act to be printed.

SEC. 12. This act shall be printed with all co
speed after its passage, and when so printed shall
ed duly published, and shall then take effect a
force.

Conflicting acts of no force.

SEC. 13. All laws contravening the provisio
act, or repugnant thereto, shall have no force or
tion in connection therewith, or relation to the cou
of said county.

J. McM. SHAFTER,
Speaker of the As

E. B. DEAN, JR.
President pro tem. of the

Approved, April 9, 1852.
LEONARD J. FARWELL.

[*Published, April* 1

Act to authorise Davis H. Wait and his associates to construct a Canal

Chap 274

people of the State of Wisconsin represented in and Assembly, do enact as follows:

ION 1. Davis H. Wait and his associates are authorized and empowered to construct a ca- May construct canal race from such point on the McCann river, in the of Marquette, as they may deem expedient, to the ver, at or near the village of Princeton, in said coun- the purpose of taking from said McCann river so vater as may be necessary for the use of such Mills chinery as they may erect at the termination of said r race on Fox river.

2. Said canal or race shall not be more than ten feet nd if it shall be carried through the lands of private , and said Davis H. Wait and his associates shall e agreed or shall not be able to agree with such as to the damages or compensation to be allowed How damages settled. owners for the lands so taken and used for such ca- en said Davis H. Wait and his associates shall select praiser, and such owner or owners another, and if ppraisers shall not agree, they shall select a third, of whom shall have interest in the subject matter, in kin to either party; and such appraisers shall pro- examine the premises and determine what dama- ompensation shall be allowed to such owner or own- l the the decision of the majority of such appraisers e final; and the said Davis H. Wait and his associ- all pay to such owner or owners the damages or sation so allowed by such appraisers.

3. This act shall take effect immediately after its .

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

roved, April 10, 1852.
LEONARD J. FARWELL.

---

to authorize the construction of a dam across the Menomonee Shioc River.

people of the State of Wisconsin represented in and Assembly do enact as follows:

Chap 275

ION 1. Frederick F. Davis, his associates and as- re hereby authorized to construct and maintain a ross the Menomonee Shioc river, one mile above its

May construct dam.

junction with the waters of the Wolf river. Sa
when constructed shall not exceed seven feet in heig
shall be constructed with a slide or chute not less t
ty feet in width, for the passage of all descendin
lumber rafts, and timber over the same in safety.

SEC. 2. The legislature may at any time alter,
or repeal this act.

J. McM. SHAFTER,
Speaker of the Ass
E. B. DEAN, JR.,
President pro tem. of the S

Approved, April 10, 1852.
LEONARD J. FARWELL.

Chap 276

An Act to appropriate to Charles T. Wakeley the sum therein nam

The people of the State of Wisconsin represe
Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Ch
Wakeley, out of any money in the state treasury no
wise appropriated, the sum of four thousand do
part payment for printing the journals of senate
sembly of the legislature of the state of Wiscon
the year 1852, and the laws passed at said session,
printing for the state department for said year.

SEC. 2. The said Charles T. Wakeley may fro
to time, draw from the treasury such portions of
hereby appropriated as the secretary of state shall
to the treasurer to be due for any portion or portion
said work at the contract prices, which may have be
pleted and delivered to the proper department or offi
the secretary of state is hereby authorized and requ
audit and certify to the correctness of any accounts
ed for said printing.

How drawn.

J. McM. SHAFTER,
Speaker of the Ass
E. B. DEAN, JR.
President pro tem. of the

Approved, April 10, 1852.
LEONARD J. FARWELL.

le of the State of Wisconsin represented in Sen-sembly, do enact as follows:

1. That Lewis E. Peck, James A. Rossman, Wheelock, D. W. Maxon, Ozius Dodge, F. Hil- Horn, P. Halpin, H. G. Turner, Geo. P. Gould- Cottingham, John Howe, L. M. Griswold, are ointed commissioners, under the direction of a whom, subscriptions may be received to the k of the Grafton and Hartford Plank and oad Company, hereby incorporated, and they books to be opened at such times and places as lirect, for the purpose of receiving subscriptions al stock of said company, first giving thirty of the times and places of taking such sub- by publishing the same in one or more news- ted in the county of Washington. Commissioners.

The capital stock of said company shall be thousand dollars, and shall be divided into n dollars each; and as soon as two hundred e capital stock shall be subscribed and one dol- share actually paid in, the subscribers of such uch other persons as shall associate with them pose, their successors and assigns, shall be and eby declared and created a body corporate and he name and style of "The Grafton and Hart- and Turnpike Road Company," with perpetual and by that name shall have all the privileges, and immunities incident to a corporation, to hall be capable in law of purchasing, holding, l conveying estate, either real, or personal, or in their corporate name may sue and be sued, common seal, which they may alter or renew and generally may do all and singular the things which they are authorized by law to do est and well being of said company. Capital stock.

The said commissioners or a majority of them, d (*four*) [two] hundred shares of stock shall ubscribed as aforesaid, shall give at least twen- ice in the newspapers hereinbefore mentioned, and place of meeting of the stockholders for of electing seven directors, who shall elect number president; and annually thereafter kholders shall meet on the first Monday in Ju- urpose of electing directors as aforesaid, upon ous notice to be given by a majority of the di- To call meeting

rectors for the time being, in such newspapers as they may think proper: *Provided*, That previous to the first election the commissioners hereinbefore named shall elect one of their number president, and they shall perform all the duties and be invested with all the powers of directors: *And provided*, That if from any cause an election shall not be held at the regular time specified therefor, the same may be held at any other time on notice as aforesaid; that until such election the directors of the preceding year shall continue to act, and this charter shall not be avoided by reason of the irregularity or want of such election, and in case of any vacancy in the board of directors the same shall be filled by the other directors or by a majority of them.

Proviso.

Sec. 4. The affairs of said company shall be managed by a board of seven directors who shall be stockholders, and be chosen annually by ballot by the stockholders of said company, the vote to be given in person or by proxy duly authorized, which directors shall appoint one of their number president, and shall serve until others are elected in their stead. They shall make and establish such by-laws, rules, orders, and regulations, not inconsistent with the constitution and laws of the United States and of the state of Wisconsin, as may be necessary for the well ordering of the affairs of said company; each share of stock shall be entitled to one vote, and in all cases of elections for directors the seven stockholders having the greatest number of votes shall be declared duly elected.

Board of directors.

Sec. 5. Five directors shall constitute a quorum for the transaction of business, who in the absence of the president may appoint a president *pro tem.* The said directors shall appoint a secretary, treasurer, and such engineers and other officers as they may find necessary, and fix their compensation, and may demand adequate security for the performance of their respective trusts; and they shall have power to decide the time and manner in which the said stockholders shall pay the money due on their respective shares, not exceeding twenty-five per cent. in any one installment, and to forfeit to the use of said company the share or shares of every person or persons failing to pay any installment at a reasonable period not less than thirty days after the time appointed for the payment thereof. They shall have power to regulate tolls, to make such covenants, contracts, and agreements with any person or persons or body politic whatever, as the execution and management of the works and the convenience and interest of the company may require, and in general to superintend and direct all the operations, receipts, disbursements, and

Powers.

edings of the company. The commissioners rectors are chosen, shall issue certificates to olders for the number of shares he or she shall r or hold in said corporation, signed by the d countersigned by the secretary, subject to all s due or to become due thereon, which stock nsferable in person or by attorney, executors, rs, guardians, or trustees, under such regula- be provided by the by-laws of said company. The said company shall have power to locate t a single or double track plank or turnpike Route of road. he village of Hartford in Washington county fton, to the lake, and they shall have power uch toll houses, bridges, and other works and as may be necessary for the convenience of y in the use of said road. The directors shall y all accounts, give and receive all such re- scharges of debt as shall be deemed best for of said company; fix the compensation and officers they may appoint, and meet at such aces as they may prescribe in the by-laws to be hem. They may appoint and remove all offi- re, prescribe the meetings of the stockholders and pay the dividends or so much of the sur- f the company as they shall deem advisable, ccrue on the shares of the stock to the stock- id company, on the first Monday of July and ach year.

t shall and may be lawful for said company, May enter upon lands. , engineers, and agents, to enter upon any purpose of exploring, surveying, and locating aid plank and turnpike road, doing thereunto ry damage, and when said route shall be de- said company, it shall be lawful for them, officers, engineers, contractors, and servants, o enter upon, take possession of, and use such purposes of said road, not exceeding four rods g the line of said route, subject, however, to of such compensation as the company may to pay therefor, or as shall be ascertained in ereinafter directed and provided for.

When the said corporation cannot agree with owners of any land, gravel, stone, or other ired for the construction of said road, for the reof, or the compensation to be paid therefor, How damages settled. reason of the absence or legal incapacity of owners no such agreement or purchase can be

made, then and in any such case it shall be
justice of the peace of the county in which
may lie, to issue his warrant directed to the
constable of said county not directly intere
him to summon a jury of nine freeholders
not interested in said property to be value
said warrant named, not less than five nor
days from the date of said warrant; and
and place named any of the persons so sum
attend, the said sheriff or constable shall imm
mon as many as may be necessary with the
tendance as jurors, to furnish a pannel of ni
from them the said company and the owne
the property to be valued, their agent or att
of them, and if they are not present in pers
ney, the sheriff or constable shall for him or
each two of said jurors, and the remaining
as a jury of inquest of damages, and befo
such, the said sheriff or constable shall adm
of them an oath or affirmation that he will
impartially value the lands or materials re
road, and all damages which the owner or
sustain by reason of the construction of said
ing to the best of his skill and judgment,
said jurors shall proceed to view the said la
so required, and to hear the evidence of
parties, which the said jurors shall reduce to
shall be signed by all or a majority of said
the sheriff or other officer in attendance, and
cer shall within five days thereafter, transm
the clerk of the district court of the prope
shall file the same. Such inquisition shall
property taken or to be taken, or the bou
land in question, and the value thereof as
when such valuation shall be paid, together
of such inquisition, or tendered to the owner
deposited with the said court, shall entitle th
ny to the estate and interest in the same thu
it had been conveyed by the owner or own
fee simple, so long as the land thus valued a
be used for the track of said plank and t
Provided, That it shall not be lawful for any
Proviso. inquest to proceed in the valuation of any pr
terial in the absence of the owner or owne
her, or their legal representatives, unless it b
pear by affidavit that such owner or owners
least five days' notice of the time and plac

pose of making such valuation, or unless it manner be shown that such owner or owners om the county, and if such owner or owners e or *non compos mentis*, the service of notice rdian or trustee, (if any there be,) or their ab- he county shall be required to be established o the said jurors before they shall proceed to aluation: *Provided further*, That in case of ement the company shall not take possession or material until such jury shall have first de- e taking thereof is necessary, and in case of t the same are not essentially necessary to the ers thereof for his, her, or their private use.

Stock deemed personal property.

he shares of stock of the company shall be onal property, and every person becoming a by transfer, purchase or otherwise of shares of all succeed to all the rights and liabilities of der of said share or shares, and the said shares le to be taken in execution for the payment of their owners in such manner as is or may by law: *Provided*, That all debts due said ll first be paid. Whenever the route of said the line of any public highway, the said com- ot take possession of the said highway until rs of the town through which it passes shall heir written consent, which shall be recorded lerk's office, or if the said supervisors shall their consent, then the damages to the town aised or ascertained as in case of private prop- amount so appraised for such highway so ta- paid to the said supervisors of the town to ngs, to be by them applied in improving the town.

Proviso.

The directors may erect toll gates and exact ons traveling on their road, whenever three iles are finished, or when the whole road is ot exceeding two cents a mile for every vehi- gh, or carriage drawn by two animals, and if re than two animals, one cent a mile for eve- animal; for every vehicle, sled, sleigh, or rn by one animal, one cent a mile; for every er or led animal one cent a mile; for every p or swine, three cents a mile, and for every cattle, four cents per mile: *Provided*, That g to and returning from military parade at re required by law to attend, persons going

Rates of toll.

Proviso.

to and returning from funerals, or while act
or returning from any religious meeting on
be exempt from toll.

May receive property on subscriptions.

Sec. 11. The said directors may receive fi
holder in said company in lieu of money,
subscribed by him, real or personal security,
al of said board of directors, and upon the
such securities from said stockholders or any
subscription of said stockholders shall be
paid, and certificates of stock shall be issued
holder in the same manner as if he had pa
amount of his subscription in money, and it
petent for the said stockholders paying thei
to said stock in securities as aforesaid, to con
to said company interest at the rate of tw
per annum, for a period not exceeding ten
execute to said company by its corporate
mortgages, or notes for such stock, which sha
for the use and benefit of said company and
quent holders thereof, and be transferable b
of them, in the same manner as if the sa
payable to individuals or to their orders or a

Penalty for damage to road.

Sec. 12. If any person shall willfully a
obstruct, injure, or destroy the road so to b
by said company, or any part thereof; or an
ing, or fixtures attached to or in use upo
longing to said company, such person or pers
ing shall each of them for every such offenc
a civil suit for the recovery of damages by
by an action of debt in any court having co
diction in the county wherein the offence sh
committed, and shall also be subject to in
upon conviction shall be punished by fine
ment or either at the discretion of the court.

May increase capital stock.

Sec. 13. The directors of said company
annual or special meeting of the stockhold
consent of a majority of the amount of such
provide for such increase of the capital stoc
pany as may be found necessary to complete
such sections as may have been actually co
remain in an unfinished state for want of m
pleting the same.

Liable for damages.

Sec. 14. Said company shall be liable fo
that may be sustained by any person or per

e of the omission or neglect to keep said road in good and condition.

J. McM. SHAFTER.
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

proved April 10, 1852.
LEONARD J. FARWELL.
[*Published, April 29, 1852.*]

Chap 278

An Act to permanently locate the County Seat of Calumet County.

people of the State of Wisconsin represented in e and Assembly, do enact as follows:

TION 1. That an act entitled "An Act to organize unty of Calumet, for judicial purposes, approved on day of February, 1850, be and the same is hereby led as follows: the sixth section of said act is hereby led as follows: the people of the several towns in ounty of Calumet shall vote for the location of the seat of said county at the general election to be n said county on the first Tuesday of November, Act amended.

2. It shall be the duty of the clerk of the board of isors at least twenty days before the time of such l election, to cause to be posted in the several towns l county, notice thereof. Clerk to give notice.

3. All votes cast for locating the county seat shall ballot, and each ballot shall contain the name or an te description of the place voted for, and that place shall have a majority of all the votes cast on such n shall be and remain the county seat of said . Form of ballot.

4. In case a majority of the votes shall not be cast y one of the places [voted] for, it shall be the duty of erk of the board of supervisors within one month aid election, to give notice in the manner hereinbe- escribed, of a second election, at which the places g the two highest number of votes at the previous n shall be voted for, and the place which shall then he highest number of said votes shall be permanent- county seat of said county. New election.

5. There shall not be any taxes levied for building buildings until the taxable property of said county amount to the sum of five hundred thousand dollars. When tax levied for county buildings.

6. It shall and may be lawful for the county offi-

Where officers may be kept.

cers to keep their offices at their residences i
the county, until county buildings are built.

SEC. 7. The votes cast for the location o
seat shall be canvassed and certified and
board of elections of the several towns, and r

How votes returned.

clerk of the board of supervisors of said cou
time now allowed by law to return the votes
and county officers.

SEC. 8. The county canvassers shall canv

When canvassed

and ascertain the result of said election at
that is now allowed by law to canvass the
and county officers.

Acts repealed.

SEC. 9. All acts or parts of acts that co
provisions of this act are hereby repealed.

SEC. 10. This act shall take effect and be
and after its passage.

J. McM. SHAFTER
Speaker of
E. B. DEAN, JR.
President pro tem.

Approved, April 10, 1852.
LEONARD J. FARWELL.
[*Published*

Chap 279

An Act to incorporate the Athenæan Society of the Universit

The people of the State of Wisconsin
Senate and Assembly do enact as follows:

Created a body corporate.

SECTION 1. That Charles T. Wakeley,
George W. Stoner, D. K. Tenney, Franc
George Woodward, Jr., and their associates
are hereby created a body corporate by the n
Athenæan Society of the University of Wi
by that name to remain in perpetual succe
purpose of establishing and maintaining a li
ting literary and scientific lectures and deb
viding other means of moral and intellectual

Powers.

with power for such purpose to take by purch
otherwise, and to hold, transfer, and convey
sonal property to the amount of twenty-five
ars; also further, to take, hold, and convey a
cabinets, libraries, [and] furniture as may b
expedient for attaining the objects and carry
the purposes of said corporation; and also f
corporate name to sue and be sued, appear,
defend all actions and causes to final judgme

ny court of law or equity, to have a common seal
ter the same at pleasure, and to establish for its
ent a constitution, by-laws, and regulations consis-
the laws of this state, for the government of said
on, and for the due and orderly conduct and reg-
f its affairs and the management of its property.

. The control and disposal of the funds, property, e, and the general management of the affairs and of the said corporation, subject to the directions ictions contained in its constitution, by-laws, and ns, shall be vested in a board of directors to con- e president, vice president, clerk, and treasurer of corporation, who shall be elected to their respect- s by such members of the said society or corpo- may be entitled by the constitution, by-laws, or ns thereof, to vote at such elections. Board of directors.

. The several officers of said society at the time assage of this act, shall continue to hold their re- offices as officers of the corporation hereby crea- l their successors be elected and qualified, and all or funds now held by the said officers, or either or any other person or persons in trust for the ety, or for the use or benefit of the same, and in- all sums of money due to the said society or any ereof, for the use or benefit of the said society, member or members thereof, for fines or dues in nd unpaid, shall, by virtue of this act, vest in, and he property of, and may be sued for and recovered l in the name of the corporation hereby created; said corporation shall assume and be liable for all s, agreements, and responsibilities, which have tered into or incurred previous to the passage of y the officers of the said society, or any of them acting in behalf of said society. Present officers to continue.

. The present constitution and by-laws of said so far as the same are consistent with the constitu- he United States, and of the state of Wisconsin, provisions of this act, shall continue in force, and and be binding upon the corporation hereby cre- ject, however, to the right of the said corporation or amend the same. Present by-laws, &c. to continue.

. The estate, property, and funds of the corpora- by created shall be devoted solely to the general and objects specified in the first section of this the personal property of the said corporation, and estate that [may] become the property of the said ion, and shall be actually occupied by it for the How property to be devoted.

purposes for which it was incorporated, shall from taxation.

SEC. 6. This act shall take effect from an passage.

J. McM. SHAFTER,
Speaker of the
E. B. DEAN, JR.
President pro tem. of t

Approved, April 10, 1852.
LEONARD J. FARWELL.
[*Published May*

An Act to amend an act entitled "An act to incorporate the Fort Win Valley, and Minnesota Rail Road Company," approved March 1

Chap 280

The people of the State of Wisconsin repr Senate and Assembly, do enact as follows:

SECTION 1. Section nine of an act entitled " incorporate the Fort Winnebago, Baraboo V Minnesota Rail Road Company," approved M 1851, is hereby so amended as to authorize and said company to terminate said rail road at any of the Mississippi river on the river St. Croix line between the state of Wisconsin and the t Minnesota.

Act amended.

J. McM. SHAFTER,
Speaker of the
E. B. DEAN, JR.
President pro tem. of t

Approved, April 13, 1852.
LEONARD J. FARWELL.
[*Published Apri*

An Act to incorporate the Calumet Village and Sheboygan Plank Roa

Chap 281

The people of the State of Wisconsin, repr Senate and Assembly, do enact as follows:

SECTION 1. That Augustus Huyssen, Edmon George White, Michael Rothman, Querin Lo Rollman, and James Cramond be, and they are pointed commissioners, under the direction of of whom subscriptions may be received to the ca of the Calumet Village and Sheboygan Plank pany, hereby incorporated, and they may caus be opened at such times and places as they sh for the purpose of receiving subscriptions to t stock of said company, first giving thirty day

es and places of receiving such subscriptions, by ing the same in one or more papers in Fond du unty.

2. The capital stock of said company shall be one d thousand dollars, in shares of ten dollars each, soon as five hundred shares of the capital stock subscribed, and five per cent. of the amount there- ually paid in or secured to the said company, the bers of such stock, with such other persons as they ereafter associate with them for that purpose, their ors and assigns, shall be and they are hereby created eclared a body corporate and politic, by the name le of the Calumet Village and Sheboygan Plank Company, with perpetual succession, and by that hall be capable in law of purchasing, holding, sell- rgaining, and conveying estate, real, personal, or in their corporate name may sue and be sued, ve a common seal, which they may alter or renew sure, and generally may do all and singular the and things which an incorporated company may do. Capital stock.

3. The said commissioners or a majority of them, e said five hundred shares of stock shall have been bed as aforesaid, shall give at least twenty days' n one or more of the newspapers of the said county d du Lac of the time and place of meeting of the lders for the purpose of electing seven directors, all hold their offices until their successors are elect- d annually thereafter upon the anniversary of the ection, upon notice of the place of meeting being y the directors then in being, being published in more of the newspapers in the county aforesaid, to gnated by the said directors, the said stockholders eet to elect directors: *Provided*, That until the first n of directors, the said commissioners above named, ne subscription of five hundred shares of stock and anizing of said commssioners by the election by f one of their number president, shall have all the and perform all the duties of a board of directors l company, and the corporate existence of said com- all be taken and held to have begun and be complete, regular election of directors had taken place, and in a vacancy at any time happening in the board of rs, or in the said board of commissioners, acting capacity of directors, the board shall have power to h vacancy. To call meeting. Proviso.

4. The affairs of said company shall be managed

Board of directors. by the said directors, who shall be stockholder
chosen annually by ballot by the stockholders, in
by proxies duly authorized, and in all elections, a
discussion of all questions acted upon at any m
the stockholders, each share of stock shall be e
one vote; and the majority of the votes cast sha
except in elections where the five persons having
est number of votes cast for directors shall be de
ly elected.

SEC. 5. A majority of said directors shall fo
rum for the transaction of all business, and shal
by choosing one of their number president, and
Powers of directors. have power to appoint a secretary and treasurer,
other officers or agents as they shall deem fit, an
their compensation, and may demand adequate
for the performance of their respective trusts, an
move said officers and revoke the powers of such
pleasure; they shall also have power to make al
ry and proper by-laws, rules, and regulations, fo
agement of said company, the subscription of
payment of installments thereon, the assignment
fer of stock certificates, and prescribing the duti
cers, all of which by-laws, not inconsistent with t
tution and laws of this state, when duly record
books of the company shall be effectual and bin
the members of said company and all persons
therein, as if the same formed a part of this act
poration.

SEC. 6. The said board of directors shall also
May declare stock forfeited. or to decide the time and manner in which said
ers shall pay installments upon their stock, and t
the forfeiture of said stock, and all prior payme
on, for failure to pay such installments as may
for, and also to adopt, in behalf of the compan
quishment of any stock subscribed, and execute
son or persons relinquishing the same, valid rele
charging [them] from all liabilities thereafter
account of the acts of said company or its officer

To regulate tolls SEC. 7. The said directors shall have power t
tolls and to make such covenants and contra
name, and under the seal of said company, with
son or persons, as the execution and manageme
work and the convenience and interest of the
may require; and may issue to each stockholder
icate or certificates for the shares which he, she
shall subscribe for, stating in the body of such
or certificates, the amount paid on such share at

issuing of such certificate or certificates, which cer-
or certificates shall be transferable in the manner
bed by the by-laws of said company.

8. The said company shall have power to locate Route of road.
nstruct a single or double track road from the pier
ustus Huyssen, near Calumet village, to intersect
boygan and Fond du Lac plank road at such point
e judgment of the commissioners appointed by the
tion of this act shall appear to be most proper.
ck of said road shall be constructed of plank, stone,
charcoal, or either, in whole or in part, each at the
of the directors, so that the same when completed
onstitute a firm, regular, and proper surface for the
of wagons and carriages.

9. It shall and may be lawful for said company, May enter upon lands.
fficers, engineers, and agents, to enter upon any
or the purpose of exploring, surveying and locating
te of said plank road, doing thereto no unnecessary
, and when said route shall be determined by the
mpany, it shall be lawful for them, their agents, of-
engineers, contractors, and servants, at any time, to
pon, take possession of, and use such lands, not ex-
four rods in width, along the line of said route,
, however, to the payment of such compensation as
mpany may have agreed to pay therefor, or as will
rtained in the manner hereinafter directed: *Provi-* Proviso.
hat in such places as may be necessary for the com-
o obtain gravel and stone, or to make excavations
nbankments for the construction of said road, the
y may locate the route of said road, not to exceed
s in width, and they may also cut down such trees,
h side of said road, as may endanger said road by
or otherwise.

10. When the said corporation shall not agree How damage settled.
e owner or owners of any land, gravel, or stone, or
naterial required for the construction of said road,
purchase thereof, or for the compensation to be
herefor, or when by reason of the absence or le-
capacity of the owner or owners, no such agreement
chase can be made, then and in any such case, it
e lawful for any justice of the peace to issue a
t directed to the sheriff or any constable of said
not directly interested, requiring him to summon
of nine freeholders of said county not interested
property, to meet the said justice at some conven-
lace, at or near the property to be valued, on a
said warrant named, not less then five nor more

than ten days from the date of said warrant; and
time and place named, any of the persons so su
do not attend, the said sheriff or constable shall im
ly summon as many as may be necessary with th
in attendance as jurors to furnish a pannel of nin
and from them the said company or the owner o
of the property to be valued, their agent or attorn
ther of them, and if they are not present in pers
attorney, the said sheriff or constable shall, for hi
them, strike off each two of said jurors, and the
ing five shall act as a jury of inquest of da
Before they act as such, the said justice of th
shall administer to each of them an oath or
tion that they will faithfully and impartially v
lands and material required for such road;
damages which the owner or owners shall su
reason of the construction of said road, taking
sideration the advantages the same will be to
er or owners, according to the best of his skill ar
ment; whereupon the said justice and jurors shall
to review the said land or material so required, an
the evidence of the respective parties, which the
tice shall reduce to writing, which shall be signe
said justice; and the verdict of the jurors thereon
signed by the jurors or a majority of them, and th
of the peace; and the said justice of the peace sh
in five days thereafter, transmit the same to the
the district court of the proper county, who shal
same. Such inquisition shall describe the prope
or to be taken, or the boundaries of the land in
and the value thereof as aforesaid; and such v
when paid, together with the cost of such inqui
tendered to the owner or owners, or deposited with
court, shall entitle the said company to the estat
terest in the same thus valued, (*and*) [as] if it
conveyed by the owner or owners thereof, so lon
land thus valued and taken shall be used for the
said plank road *Provided*, That it shall not be la
Proviso. any justice or jury of inquest to proceed in the
of any such property or material in the absenc
owner or owners thereof, his, her, or their legal
tatives, unless it be made to appear by affidavit
owner or owners have had at least five days'
the time and place of meeting for the purpose of
such valuation, or unless it shall in like manner
that such owner or owners are under age or *non*
mentis. Such service of notice may be made

or trustee, under the same restrictions as in the
owners; or if there be no guardian or trustee, the
ll be established by affidavit: *Provided*, That no
terials shall be taken if the jury shall decide that
are essential to the owner or owners thereof.

May construct road on highway

1. The directors shall have power, in their dis-
to construct said plank road along and upon any
highway now or hereafter to be laid, opened, and
ed by the proper authorities, and of such width
ich manner as the said directors shall determine:
d, That such authority shall first proceed from the
ors of the town in which such public highway may
ted. And they may erect toll gates, and ex-
rom persons traveling on their road whenever five
ive miles are finished, or when the whole road is
ed, not exceeding two cents per mile for every vehi-
, sleigh, or carriage drawn by two animals, and if
v more than two animals, one cent per mile for ev-
tional animal; for every sled, sleigh, or carriage
y one animal, one cent per mile; and for every
d rider or led animal, one cent per mile; for every
sheep or swine, one cent per mile; and for every
neat cattle, four cents per mile: *Provided*, That
going to and from military parade, at which they
ired by law to attend, and persons going to or re-
rom funerals shall be exempt from tolls. The toll
at each gate, when erected, on said road, in pur-
f this act may detain and prevent from passing
e, an animal or carriage subject to toll, until the
eon is paid.

Rates of toll.

Proviso.

2. The said directors may receive from any stock-
said company in lieu of money for the stock sub-
by him, real or personal property, to be approved
board of directors, and upon the acceptance of such
from said stockholders or any of them, the sub-
of such stockholder shall be considered as paid,
ificates of stock shall issue to said stockholder in
manner as if he had paid in full the amount of
cription in money; and it shall be competent for
stockholders paying their subscriptions to said
securities as aforesaid, to contract and to pay to
npany interest at the rate of twelve per cent. for a
ot exceeding ten years, and to execute to said com-
its corporate name, bonds, mortgages, or notes for
ck, which shall be available for the use and benefit
company, and for all subsequent holders, and be
able by them in the same manner as if the same

May receive securities.

were made payable to individuals, or to their or signs.

Penalty for damage to road.

SEC. 13. If any person shall willfully and kno struct, break, injure, or destroy, the said road t structed by said company, or any part thereof, or buildings, or fixtures attached to or in use upon belonging to said company, such person or perso ding, shall each of them, for every such offence to a civil suit for the recovery of damages by s ny by an action of trespass in any court having jurisdiction in the county wherein the offence been committed; and shall also be subject to i and upon conviction shall be punished by fine a onment, or either, at the discretion of the court

Penalty for evading toll.

SEC. 14. Any person who shall willfully brea down any gate on such road, which may have b in pursuance of this act, or do any damage to sa forcibly or fraudulently pass such gate, without l the legal toll, or to avoid the payment of the lega with his team, carriage or animal, turn out of sa pass any gate thereon or ground adjacent th again return on said road, shall for each offence fo not exceeding ten dollars to and for the use of s ny, and also for all damages done to the pro company in an action of trespass.

May increase capital stock.

SEC. 15. The directors of said company, at a or special meeting of the stockholders, with the a majority in amount of said stockholders, may such increase of the capital stock of said compa be found necessary to complete said road in su as may have been actually commenced but rem unfinished state for want of means for comp same.

How charter forfeited.

SEC. 16. If said company shall not within th from the passage of this act, commence the cons said plank road, and expend three thousand more thereon, and shall not within ten years fro sage of this act, construct, finish, and put in op single or double track plank road, the rights, priv powers of the said corporation, under this act, sh and void.

Public act.

SEC. 17. This act shall be favorably construe the purposes thereby intended, and the same is clared to be a public act, and copies thereof authority of the state shall be received as eviden

8. This act may be altered or amended by any gislature of the state of Wisconsin.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

ved April 13, 1852.
LEONARD J. FARWELL.
[*Published May* 27, 1852.]

---

prevent the obstruction of the free navigation of Apple and Willow rivers for logs and lumber.

Chap 282

people of the State of Wisconsin represented in nd Assembly, do enact as follows:

N 1. No dam boom or other obstruction shall be y any person or persons in Apple or Willow rivers, he same shall be so constructed as to permit the of all logs or other lumber without unnecessary

Rivers not to be obstructed.

2. Any person or persons, or corporation obstruct- rivers except as aforesaid, shall be liable to pay ges to owners of any logs or lumber, arising from n or unnecessary delay in the passage of the same, lected from the owner or owners of said obstruc- an action of debt in any court having competent ion, in the amount of damages.

Person obstructing liable for damages.

3. This act shall take effect from and after its

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

ved, April 13, 1852.
LEONARD J. FARWELL.
[*Published May* 6, 1852.]

---

nting pre-emptions to settlers on the Lands granted for the Improvement of the Capitol.

Chap 283

people of the State of Wisconsin, represented in nd Assembly, do enact as follows:

ON 1. Every person who now is or may hereafter a settler on any lands granted to this state for the ment of the capitol, which are now selected, or that

Settlers entitled to pre emption.

may hereafter be selected for that purpose, sh
same rights and privileges and shall be under
strictions and rights of pre-emption as other pr
other state lands in this state.

SEC. 2. This act shall take effect immediat

J. McM. SHAFTER,
Speaker of th
E. B. DEAN, JR.,
President pro tem. of

Approved, April 13, 1852.
LEONARD J. FARWELL.

[*Published,*

Chap 284 An Act to extend the jurisdiction of Superintendent of Comm
Town of Sun Prairie, in Dane County.

The people of the State of Wisconsin re
Senate and Assembly, do enact as follows:

Jurisdiction extended.

SECTION 1. The town superintendent of com
of the town of Sun Prairie shall hereafter ha
management and supervision of school district
of said town as the said superintendent now h
er districts in said town.

SEC. 2. This act shall take effect from and
sage.

J. McM. SHAFTER,
Speaker of th
E. B. DEAN, JR.
President pro tem. of

Approved, April 13, 1852.
LEONARD J. FARWELL.

[*Published,*

Chap 285 An Act to incorporate the Milwaukee, Humbolt, Ulca, and Fort W
Road Company

The people of the State of Wisconsin re
Senate and Assembly, do enact as follows:

Commissioners.

SECTION 1. That E. B. Wolcott, John H. H
rison Luddington, Byron Kilbourn, John H. Tw
as L. Ogden, H. D. Heide, Charles E. Jenk
Hunter, John L. Doran, D. A. J. Upham, E
Mathew Steine, A. V. Fryer, William W. B
Howe, J. C. Loomis, O. A. Watrous, and Wils
art be, and they are hereby appointed com

he direction of a majority of whom subscriptions
received to the capital stock of the "Milwaukee,
t, Uloa, and Port Washington Plank Road Com-
hereby incorporated; and they may cause books to
ied at such times and places as they shall direct,
purpose of receiving subscriptions to the capital
said company, first giving thirty days' notice of
e and places of taking such subscription by pub-
the same in one or more newspapers published in
of Milwaukee.

2. The capital stock of said company shall be Capital stock.
housand dollars, and shall be divided into shares of
ars each; and as soon as five hundred shares of the
stock shall be subscribed and one dollar on each
ctually paid in or secured to the said company, the
ers of such stock with such other persons as shall
e with them for that purpose, their successors and
shall be and they are hereby declared and created
corporate and politic, by the name and style of
Milwaukee, Humbolt, Uloa, and Port Washington
Road Company," with perpetual succession: and
name shall have all the privileges, franchises, and
ties incident to a corporation, to wit: they shall be
in law of purchasing, holding, leasing, and con-
estate, either real, personal, or mixed, and in their
te name may sue and be sued, may have a common
hich they may alter or renew at pleasure, and gen-
may do all and singular the matters and things
hey are authorized by law to do for the interest and
ing of said company.

3. The said commissioners or a majority of them,
e said five hundred shares of said stock shall have
ubscribed as aforesaid shall give at least twenty To call meeting.
otice in a newspaper hereinbefore mentioned of the
d place of meeting of the stockholders for the pur-
electing seven directors, who shall elect one of their
president; and annually thereafter, the said stock-
shall meet on the first Monday of July for the pur-
electing directors aforesaid, upon like previous no-
e given by a majority of the directors for the time
n such newspapers as they may think proper *Pro-*
That previous to the first election, the commission-
einbefore named shall elect one of their number
nt, and they shall perform all the duties and be in-
with all the powers of directors: *And provided*,
from any cause an election shall not be held at
lar time specified therefor, the same may be held

at any other time, on notice as aforesaid; tha
election, the directors of the preceding year s
to act, and this charter shall not be avoided
the irregularity or want of such election; a
any vacancy in the board of directors, the
filled by the other directors or a majority of

Board of directors. Sec. 4. The affairs of said company shall be
a board of seven directors, who shall be stockh
chosen annually by ballot by the stockholders
ny, the vote to be given in person or by proxy
ized; which directors shall appoint one of their
ident, and shall serve until others are elected
They shall make and establish such by-law
regulations, not inconsistent with the constitu
laws of the United States and the state of
may be necessary for the well ordering of the
company. Each share of stock shall be en
vote; and in all cases of election for directo
stockholders having the greatest number of
declared duly elected.

Sec. 5. Five directors shall constitute a q
transaction of business, who in the absence
dent, may appoint a president *pro tem.* The

Powers of directors. shall appoint a secretary, treasurer, such
other officers as they may find necessary,
compensation, and may demand adequate se
faithful performance of their respective trusts
have the power to decide the time and mu
the said stockholders shall pay the money du
spective shares, not exceeding twenty per ce
installment, and to forfeit to the use of said
share or shares of any person or persons failin
installment, at a reasonable period not less
days after the time appointed for the pay
They shall have power to regulate tolls, to m
enants, contracts, and agreements with any
sons or body politic whatsoever as the execut
agement of the works and the convenience a
the company may require, and in general t
and direct all the operations, receipts, disbu
other proceedings of the company. The c
until the directors are chosen, shall issue
each stockholder for the number of shares h
subscribe for or hold in said corporation, si
president and countersigned by the secretary,
the payments due and to become due the
stock shall be transferable in person, by an at

ministrators, guardians, or trustees, under such
ns as may be provided by the by-laws of said

. The said company shall have power to locate
ruct a single or double track of plank, stone, grav-
oal, or either, in whole or in part, each at the op-
ne directors, so that the same, when completed, Route of road.
stitute a firm, regular, and proper surface for the
of wagons and carriages from the village of Hub-
he county of Milwaukee; from thence north, by
of Ulea, to Port Washington, in Washington
intersect with the Sheboygan plank road, as shall
mined upon by a vote of the stockholders having
y of the stock of said company. And they shall
ver to erect all such toll houses, bridges, and other
nd appendages as may be necessary for the con-
of said company, in the use of said road. The
shall exercise all powers conferred on them by
audit and pay all accounts, give and receive all
eipts and discharges of debt as shall be deemed
ne interest of said company, fix the compensation
ry of the officers they may appoint, and meet at
es and places as they may prescribe in the by-
e enacted by them. They may appoint and re-
officers at pleasure, prescribe the meeting of the
lers, and declare and pay the dividends, or so much
rplus profits of the company as they shall deem
, which may accrue on the shares of the said stock
ockholders of said company, on the first Mon-
uly and January of each year.

. It shall and may be lawful for said company,
cers, engineers, and agents to enter upon any lands
urpose of exploring, surveying, and locating the May enter upon lands.
said plank road, doing thereto no unnecessary dam-
d when said route shall be determined by the
pany, it shall be lawful for them, their agents,
engineers, contractors, and servants, at any time
upon, take possession of, and use such lands for
ose of said road, not exceeding four rods in width
e line of said route, subject, however, to the pay-
such compensation as the company may have
pay therefor, or as shall be ascertained in the
hereinafter directed and provided for.

8. When the said corporation cannot agree with
er or owners of any land, gravel, stone or other
required for the construction of said road, for the
thereof, or the compensation to be paid there-

for, or when by the reason of the absence or lag
of the owner or owners, no such agreement or
be made, then and in any such case, it shall
How damages ascertained. any justice of the peace of the county in wh
erty may lie, to issue his warrant, directed
iff or any constable of said county, not d
ested, requiring him to summon a jury of nin
of said county, not interested in said prope
at some convenient place at or near the
be valued, on a day in said warrant nam
than five nor more than ten days from the dat
rant; and if at the time and place named
persons so summoned do not attend, the s
constable shall immediately summon as ma
necessary, with the persons in attendance as
nish a pannel of nine jurors, and from them t
pany and the owner or owners of the property
their agent or attorney, or either of them, ar
not present in person or by attorney, the sher
ble shall for him or her, strike off, each,
jurors, and the remaining five shall act as a ju
of damages; and before they act as such, the
constable shall administer to each of them an
mation that he will faithfully and impartia
lands or materials required for said road, and
which the owner or owners shall sustain by
construction of said road, taking into consider
vantage the same will be to the owner or
cording to the best of his skill and judgm
upon the said jurors shall proceed to vi
land or materials so required, and to hear
of the respective parties, which the said
reduce to writing, which shall be signed
majority of said jurors and by the sheriff or
in attendance, and the said officer shall with
thereafter transmit the same to the clerk
court of the proper county, who shall file the
inquisition shall describe the property taken,
ken or the boundaries of the land in question,
ne thereof as aforesaid, and such valuation, w
gether with the costs of such inquisition, or te
owner or owners, or deposited with said cou
tle the said company to the estate and interest
thus valued, as if it had been conveyed by
Proviso. owners thereof in fee simple: *Provided*, Tha
be lawful for any such jury of inquest to pr
valuation of any property or material in th

er or owners thereof, his, her, or their legal repre-
es, unless it be made to appear by affidavit that
ner or owners have had at least five days' notice of
and place of meeting for the purpose of making
uation, or unless it shall in like manner be shown
n owner or owners are absent from the county and
owner or owner are under age or *non compos*
the service of notice upon the guardian or trustee,
be any,) or their absence from the county shall be
to be established by affidavit to the said jurors,
ey shall proceed to make such valuation: *Provi-* Proviso.
ther, That in case of such disagreement, the com-
ll not take possession of any land or material un-
ury shall have first decided that the taking thereof
ary, and in case of materials, that the same are not
ly necessary to the owner or owners thereof for
or their private and proper use.

9. The directors shall have power in their dis-
to construct the said road along or upon any road May construct road on highway
vay, now or hereafter to be laid out, opened, and
ed by the proper authorities, and of such a width
uch a manner as the said directors shall determine:
d, They procure by agreement with the supervi- Proviso.
ny town the right to take and use any part of any
ighway, in such town, for the construction of such
l roads, and agree with such supervisors upon the
of damages (if any they should sustain) to be paid
company to such supervisors therefor. Every such
nt with the supervisors shall be in writing, and
filed in the town clerk's office of the town.

10. The shares of stock of the corporation shall Stock deemed personal property.
ed personal property, and every person becoming
older by transfer, purchase, or otherwise, of shares
stock, shall succeed to all the rights and liabilities
rior holder of said share or shares, and the said
nall be liable to be taken in execution for the pay-
the debts of their owners in such manner as is or
provided by law: *Provided*, That all debts due Proviso.
npany shall be first paid.

11. The directors may erect toll gates, and exact
n persons traveling on their road whenever two con-
miles are finished, or when the whole road is com- Rates of toll.
not exceeding two cents a mile for every vehicle, sled,
r carriage, drawn by two animals; and if drawn
than two animals, one cent for every additional
for every vehicle, sled, sleigh, or carriage, drawn
nimal, one cent a mile; for every score of sheep

or swine, three cents a mile; and for every sco
Proviso. cattle, four cents a mile: *Provided*, That person and returning from military parade at which th quired by law to attend, and persons going to or from funerals, shall be exempt from toll, and no be exacted of any person while actually going to ing from any religious meeting on Sunday.

Penalty for damage to road. Sec. 12. If any person shall willfully and k obstruct, break, injure, or destroy the road so structed by said company, or any part thereof, or building, or fixture, attached to or in use upon the longing to the said company, such person or per fending, shall each of them, for every such offen ble in a civil suit for the recovery of damages by pany by an action of debt, in any court having jurisdiction in the county wherein the offence been committed, and shall also be subject to in and upon conviction, shall be punished by fine a onment, or either, at the discretion of the court.

May increase capital stock. Sec. 13. The directors of said company, at a or special meeting of the stockholders, with the co majority of amount of such stockholders, [may] such increase of the capital stock of said compa be found necessary to complete said road in such as may have been actually commenced but rem unfinished state for want of means for completing

Sec. 14. This act may be altered or amend future legislature of the state of Wisconsin.

Sec. 15. This act shall take effect from an passage.

J. McM. SHAFTER,
Speaker of the
E. B. DEAN, Jr.,
President pro tem. of th

Approved, April 13, 1852.
LEONARD J. FARWELL.
[*Published May*

Chap 286

An Act to incorporate the Union Protection Insurance Comp

The people of the State of Wisconsin repr Senate and Assembly do enact as follows:

Section 1. F. G. Tibbits, N. W. Dean, A. Chauncey Abbott, T. J. Gordon, E. B. Dean, Atwood, Beriah Brown, A. Botkin, W. R. Tay Farwell, Edward Isley, H. A. Tenney, Geo.

B. Eddy, Wm. C. Wells, B. F. Hopkins, L. W. t, Simeon Mills, Lucius Cannon, E. M. Williamson, all such persons as shall become stockholders in the al stock hereinafter mentioned, their successors and ns, shall be, and are hereby constituted and made a politic and corporate, by the name and style of the ion Protection Insurance Company." The office of company shall be at or in the immediate vicinity of the ge of Madison, Wisconsin. Created a body corporate.

c. 2. The capital stock of said company shall not ex- one hundred and fifty thousand dollars, and shall be led into shares of fifty dollars each, and there shall be into the treasury of said corporation by each subscriber e capital stock at the time of subscription, an install- of five per cent. on the stock by him subscribed, the inder to be paid, or secured to be paid on real estate her securities as the commissioners hereinafter men- d shall deem sufficient, and until one thousand shares id stock is subscribed for and paid, or secured to be paid oresaid, said company shall not commence business. Capital stock.

c. 3. The stock, property, and affairs of said corpora- shall be managed and conducted by nine directors, shall divide themselves into three classes. The term e first shall expire on the first Monday of April suc- ng their election, or as soon thereafter as others are ed in their stead. The annual election of three direc- shall be held on the first Monday in April in each at such time and place in the village of Madison, onsin, as the majority of the directors shall appoint, e of which election shall be given in some public paper printed and of general circulation in this state. election shall be held under the direction of three holders appointed by the directors, and directors shall ected by a plurality of the votes of stockholders and proxies, allowing one vote for each share of stock. Board of directors.

c. 4. It shall be the duty of the directors, on organ- the company, and annually thereafter, to choose out eir number, a president, and they may also elect in ame manner, a vice president, who shall perform the s of president in case of his death, absence, or inabil- act. To elect president.

c. 5. Nathaniel W. Dean, Benjamin F. Hopkins, and on Mills, shall be commissioners to receive subscrip- to the capital stock of said company, and when the tock shall be subscribed and paid, or secured to be as mentioned in the second section of this act, the issioners shall call a meeting of the stockholders by Commissioners to receive subscriptions.

an advertisement published at least twenty d
ly, in some newspaper published at Madiso
stating the time and place at which such m
stockholders shall be held, and shall by ballot
directors of said company. Said commissio
as inspectors of said election, and if there
deaths or resignations among the commissio
pointed, then the remainder shall elect others
vacancies so occasioned.

Powers to take risks.

Sec. 6. The said company shall have pow
and every insurance connected with marine
risks of transportation and inland navigati
dwelling houses, stores, and all kinds of bui
hold furniture, and other property, against lo
by fire, and also all and every insurance ap
connected with life insurance, and to cause
be insured when deemed expedient.

Policies, &c. to be binding.

Sec. 7. All policies of insurance or other
thorized by this act which shall be made and
by this corporation, may be with or without
and shall be subscribed by the president or v
and attested by the secretary, and being so s
ted, and attested, shall be binding and obligat
corporation.

May hold estate.

Sec. 8. It shall and may be lawful for th
ny to take and hold any real estate or securiti
or pledged to the said company to secure th
any debt which may be contracted with said
to foreclose the same, and to purchase on sa
virtue of any judgment at law, or by any or
of any court of equity, or any other legal p
otherwise, to receive or take any real or pers
payment or towards satisfaction of any de
contracted and due to said company, and to
until they can conveniently sell or convert th
money or other personal property; and also
capital stock or so much of the surplus profi
company as they deem fit, in such manner as
shall decide, and call in and re-invest the sam
it shall be deemed necessary for the interest
pany.

Stock transferable.

Sec. 9. The capital stock of said corpora
transferable according to the rules and regula
ed by the directors, and every subscriber of
shares of said stock who shall neglect to pa
ment aforesaid, or to secure the residue of
shares by him subscribed, shall forfeit the sa

tion, and all payments made thereon and all profits ay have arisen thereon.

May make dividend.

10. It shall and may be lawful for the directors of mpany to make a dividend of so much of the prof- he said company as shall appear advisable, but the id shall not at any time exceed the amount of clear made by the company; but the capital stock shall remain unimpaired, and if the said directors shall time knowingly make a dividend of the capital id, they shall be individually liable for the propor- the stock so divided, and each director present uch dividend shall be declared, shall be adjudged ing thereto, unless he forthwith protest against such id and request his protest to be entered on the min- the company, and give further notice to the stock- of the declaring of such dividend by advertising protest in some public newspaper published at n, Wisconsin.

Power to appoint officers.

11. The president and directors of said corpora- ll have power to appoint such officers and agents as ay find necessary, prescribe their duties and require or the faithful performance thereof, and may from time, adopt such by-laws and regulations for the bu- f said company as they may deem expedient.— y-laws and regulations not to be inconsistent with the tion and laws of the United States or of this state.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

roved, April 13, 1852.
LEONARD J. FARWELL.
[*Published, April* 29, 1852.]

Chap 287

An Act to incorporate the Milwaukee Horticultural Society.

people of the State of Wisconsin represented in and Assembly, do enact as follows:

Created a body corporate.

ion 1. That Hans Crocker, Benjamin McVicker, Messenger, Francis Huebschmann, Lester H. Cot- in S. Perkins, Harrison Ludington, Cyrus Hawley, Booth, Lemuel W. Weeks, Thomas Hyslop, Rufus Francis Randall, Wm. H. Watson, George A. Tiffa- harles P. Gifford, S. P. Beecher, I. A. Lapham, F. A. S. Fuller, their associates and successors, be and e hereby incorporated by the name and style of the

Milwaukee Horticultural Society, for the pu
couraging and improving the science and pra
ticulture, and the promoting the propagation of
species of trees, fruits, plants, and vegetables,
troduction of new species and varieties, and f
purpose whatever.

Powers. Sec. 2. That said Milwaukee Horticultu
shall have power to adopt a constitution and
inconsistent with the laws of this state, for th
of the society; to receive donations and beque
moting its objects; to levy and collect assessn
members, and enforce the collection of the sa
to purchase, receive, occupy, hold, and convey
personal estate which may be necessary to c
objects of the association, (provided the same
ceed the sum of ten thousand dollars); to elec
appoint agents to transact their business; to
apply the funds, discharge the functions, and
objects thereof; and to sue and be sued, plead
pleaded in any court in this state and to use
seal.

Who to call first meeting. Sec. 3. That any five of the persons name
section of this act shall have power to call th
ing of the corporators and organize the corpor

J. McM. SHAFTER,
Speaker of th
E. B. DEAN, Jr.
President pro tem. of

Approved, April 14, 1852.
LEONARD J. FARWELL.
[*Published M*

Chap 288

An Act to change the name of the Village of Westfield in Sau

The people of the State of Wisconsin re
Senate and Assembly, do enact as follows:

Name changed. Section 1. That the name of the village
in Sauk county is hereby changed to that of S

J. McM. SHAFTER,
Speaker of th
E. B. DEAN, Jr.,
President pro tem. of

Approved April 14, 1852.
LEONARD J. FARWELL.
[*Published, May*

n Act to amend section 2 of chapter 133 of the Revised Statutes. Chap 289

eople of the State of Wisconsin represented in nd Assembly, do enact as follows:

ON 1. Section two of chapter one hundred and ree of the revised statutes, is hereby so amended Act amended.
ad as follows, to wit: such killing, when perpetra-
n a premeditated design to effect the death of the
killed, or of any human being, shall be murder in
degree, and the person who shall be convicted of
e shall suffer the punishment of death, or of im-
ent for life, as the jury in such case shall deter-

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

oved April 14, 1852.
LEONARD J. FARWELL.
[*Published May* 12, 1852.]

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amend section eight of an act entitled "An Act to incorporate the Gills nd Stevens Point Turnpike and Plank Road Company," approved February 2. Chap 290

people of the State of Wisconsin represented in nd Assembly, do enact as follows:

ON 1. It shall be lawful for said company, their May use stone, gravel, &c.
officers, engineers, contractors, and servants at any
take from any land adjoining said road, gravel,
arth, timber, and other material, for the purpose of
cting or repairing said road, subject to the payment
pensation as provided in said act.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

roved, April 14, 1852.
LEONARD J. FARWELL.
[*Published May* 12, 1852.]

---

o appropriate to James L. Manville a certain sum of money therein named. Chap 291

people of the State of Wisconsin represented in and Assembly, do enact as follows:

ION 1. There is hereby appropriated to James L.
le, out of any money in the treasury not otherwise

appropriated, the sum of two hundred and t
dollars and eighty-nine cents in full payment a
tion for maintenance and support of state priso
Elias Downing, David Heath, Michael Dunbary
Morgan, from December 2d, 1851, to January
and for the removal of the same to the state p
ding clothing, pay, and board of assistants, a
items chargeable for such maintenance, re
guarding of said prisoners.

J. McM. SHAFTER,
Speaker of the
E. B. DEAN, Jr.,
President pro tem. of

Approved, April 14, 1852.
LEONARD J. FARWELL.

Chap 292

An Act to incorporate the Potosi Academy.

The people of the State of Wisconsin rep
Senate and Assembly, do enact as follows:

Section 1. That Samuel Wilson, Thomas P
ert Templeton, Samuel Vance, Wm. Lightfoo
Cole, Donald A. Mackenzie, Benj. F. Woods,
K. Lord, and their associates, together with s
as may hereafter be associated with them, be a
Created a body corporate. ted a body corporate and politic, with perpetual
to be styled and known by the name and tit
Potosi Academy," by which name they and t
sors shall be ever known, and shall have powe
be sued, to contract and be contracted with, pl
impleaded, defend and be defended, in all co
and equity; said corporation shall have a co
and shall have power to acquire, purchase, re
sess, hold, and enjoy property, real and perso
sell and convey the same, rent, or otherwise l
pose of at pleasure.

Stock. Sec. 2. The stock of said company shall be
to shares of ten dollars each, which shall be d
sonal property, and shall be transferable on th
said corporation in such manner as shall be
the by-laws of said corporation.

How meetings called. Sec. 3. Any five of the above named pe
have power to call a meeting of said associatio
ten days' notice thereof, by posting up notices
three public places in said town of Potosi, whe
poration is hereby located.

. At the first legally notified meeting the stock- Trustees to be elected.
hall have power to elect by ballot nine trustees,
l hold their offices for the term of one year: *Pro-*
vays, That said trustees so elected shall hold their
til their successors shall have been chosen and

. At all elections and meetings of the company Each share of stock entitled to one vote.
kholder shall be entitled to one vote for each
stock owned by him.

. The trustees shall have power, first, to elect
of their number a president, secretary, and treas-
to elect all other officers of the corporation; Powers of trustees.
o call special meetings of the stockholders to fill
in the board of trustees, or such other purposes
their opinion be necessary; third, to sell, lease,
, or otherwise dispose of any real or personal
of said corporation in such manner as shall be di-
the stockholders, also to erect and keep in repair
sary buildings for use of said corporation; fourth,
y suitable teachers and prescribe and direct the
study and discipline to be observed in said acad-
h, to prescribe the duties and fix the salaries of
ficers of said corporation, and to remove and sus-
n from office for incapacity, immoral conduct, or
ior in office, and to appoint others in their places;
nake all rules, regulations, and by-laws, necessary
er to carry into effect the powers herein granted,
nconsistent with the constitution and laws of this

. No religious test or qualification shall be re- No religious test required.
f any trustee or other officer of said corporation,
y student of said institution.

. This act may be amended or altered by any fu-
slature of this state.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

ved, April 14, 1852.
LEONARD J. FARWELL.

[*Published, May* 27, 1852.]

Chap 293

An Act to exempt school property from taxation.

The people of the State of Wisconsin rep
Senate and Assembly, do enact as follows:

Act amended.

SECTION 1. The fourth subdivision of sec
chapter fifteen of the revised statutes is hereby
as to read as follows:

The personal property of all literary, benev
able, and scientific institutions within this stat
real estate belonging to such institution as shal
occupied by them for the purposes for whic
been or shall be organized.

J. McM. SHAFTER,
Speaker of the
E. B. DEAN, JR.
President pro tem. of

Approved, April 14, 1852.
LEONARD J. FARWELL.
[*Published M*

Chap 294

An Act in relation to Public Schools in the City of Rac

The people of the State of Wisconsin, r
Senate and Assembly, do enact as follows:

Districts consolidated.

SECTION 1. The school districts and parts
within the corporate limits of the city of Rac
by consolidated, and shall hereafter constitute
for the better regulation and management o
schools in said city.

Commissioners to be appointed.

SEC. 2. There shall be appointed by the
common council of the city of Racine, on the
in May, 1852, from each ward in said city,
sioners of common schools for the said city,
residents of the ward for which they are appo
persons so appointed shall, within ten days af
pointment, take the oath of office prescribed
stitution of this state, and file the same with th

How classified.

SEC. 3. Within ten days after their appoi
the last section mentioned, said commissioners
at the room of the common council in said city
the said commissioners so chosen, to be divid
classes, to be denominated "first" and "secon
The term of office of the first class shall expir
of one year from the first Tuesday in April, 1
second class at the end of two years thereafter

Annual election.

SEC. 4. There shall in like manner, in each
after, at the annual charter election in said city

commissioner of schools in each ward of said city, to ly the places of those whose term of office is about pire; they shall hold their offices for two years, and their successors are elected and have taken the oath fice. There shall also be elected annually, as now ided by law, a superintendent of schools for said city, e term of office, as also that of the commissioners, commence on the first Monday after their election. Commissioners to be elected.

c. 5. The city council of said city may make ap- ments of commissioners of common schools to fill va- es which may occur from any cause other than the ex- on of the term of office of those elected. The com- oners so appointed shall hold their office for the un- ed term of those, to supply whose places they were inted. May fill vacancies.

c. 6. Any commissioner of common schools in said may be removed from office for official misconduct, e city council thereof, by a vote of two-thirds of the bers thereof; but said commissioner shall be granted l and fair hearing before removal. How removed.

c. 7. The commissioners of common schools in said and the superintendent thereof, shall constitute a l, to be styled the "Board of Education of the City of ne," which shall be a corporate body in relation to all owers and duties conferred on them by virtue of this a majority of the board shall form a quorum. At first meeting after an election they shall elect one of number president; and whenever he shall be absent sident *pro tem.* may be appointed, but such president have only a casting vote. They shall also appoint a from their own body, and fix his compensation, and all hold his office during the pleasure of the board. said commissioners shall receive no compensation for services. Board of education.

c. 8. The clerk of said board shall keep a record of proceedings thereof, and perform such other duties as board may prescribe; which record, or a transcript of, certified by the president and clerk, shall be re- d in all courts as *prima facie* evidence of the facts in set forth; and such records, and all the books and unts of the said board, shall at all times be subject to nspection of the city council, and of any committee of. Clerk, to keep records.

c. 9. The city council of the said city shall have the r, and it shall be their duty, to raise from time to time x upon the real and personal estate in said city which be liable to taxation for the ordinary city taxes, or For what purposes tax may be levied.

for city or county charges, in addition to the school moneys now or hereafter appropriated by law for common schools in said city, such s be determined and certified by the said boar tion to be necessary or proper for any or all of ing purposes:

1. To purchase, lease, or improve sites houses.

2. To build, purchase, lease, enlarge, alte and repair school houses, and their out-houses tenances.

3. To purchase, exchange, improve, and r apparatus, books, furniture, and appendages; b er herein granted shall not be deemed to the of class or text books for any scholar who guardian shall be able to furnish the same.

4. To procure fuel and defray the continge of the common schools and the expenses of th brary of said city.

5. To pay the wages of teachers, due after tion of the public moneys which may by law b

Proviso. ted and provided for that purpose: *Provided*, That no tax shall be laid for such purpose once in each year: *And provided also*, That to be raised for teachers' wages, and for contin ses in any one year shall in no case exce amount of public moneys received during year, nor less than one-half the amount recei city for school purposes, from the income of fund; and that the amount to be raised in an for buying sites and erecting and repairing s and the appurtenances, shall not exceed one th lars, save as excepted in the twenty seventh se act.

How tax levied. Sec. 10. The city council shall cause the herein provided for, to be levied and collected all such real and personal property or capital within said city, as is subject to taxation by t levying taxes for the state, for the time being; to be levied and collected in the same manne taxes are levied and collected in said city.

Sec. 11. All moneys to be raised pursuant visions of this act, and all school moneys by la

Moneys to be paid to treasurer ted to or provided for said city, shall be paid urer of said city, who, together with the suret official bond, shall be accountable therefor i manner as for other moneys of the said city

hall also be liable to the same penalties for any conduct in relation to the said moneys as for any conduct in relation to other moneys of the city.

How moneys to be paid out.

After the passage of this act the treasurer of hall not pay out any moneys in his hands re- he said city, either as school moneys or collected by virtue of any of the provisions of this act, pon an order drawn upon him and signed by nt and clerk of said board of education, and no shall be drawn except by virtue of a resolution board.

May bring suits

The said board may cause a suit or suits to be in the name of the city of Racine upon the offi- f the treasurer or of any collector for said city, ault, delinquency, or official misconduct in re- e collection, safe keeping, or payment of any his act mentioned.

Powers of board.

The said board shall have power and it shall y,

Schools.

tablish and organize such and so many schools al wards of said city, (including the common existing therein,) as they shall deem requisite nt, and to alter and discontinue the same.

School houses

rchase or hire school houses and rooms, and for school houses, and to fence and improve y deem proper.

such lots, and upon any sites now owned by build, enlarge, alter, improve, and repair school houses, and appurtenances as they may deem

Apparatus.

rchase, exchange, improve, and repair school ooks for indigent pupils, furniture, and appen- o provide fuel for the schools and defray their expenses and the expenses of the district li-

Custody of property.

ve the custody and safe keeping of the school houses, books, furniture, and appendages, and the ordinances of the city council in relation observed.

Teachers.

ntract with and employ all teachers in the ools and the high school, who shall have been he superintendent, and at their pleasure to re-

Payment of teachers.

the wages of such teachers out of the school h shall be appropriated and provided in said s the same shall be sufficient, and the residue

thereof from the money authorized to be
purpose by section nine of this act, by tax

Expenses

8. To defray the necessary contingent e
board, including the salary of the clerk:
the account of such expenses shall first be
lowed by the city council.

Superintendence of schools.

9. To have in all respects the superinte
vision, and management of the common
city, and from time to time to adopt, alter,
peal, by and with the advice and concurr
perintendent, as they may deem expedient,
lations for their organization, government,
for the reception of pupils, and their tran
school to another, and generally, for the pr
good order, prosperity, and public utility.

To make reports

10. Whenever in the opinion of the b
advisable to sell any of the school houses,
any of the school property now or hereaft
the city, to report the same to the city coun

11. To prepare and report to the city co
nances and regulations as may be necessar
the protection, safe keeping, care and preser
houses, lots, and sites, and appurtenances, a
erty belonging to the city, connected with
to the schools, and to suggest proper penal
lation of such ordinances and regulations;
to determine and certify to said city coun
their opinion necessary or proper to be ra
ninth section of this act, specifying the su
each of the purposes therein mentioned, a
therefor.

To pay portion of money to adjoining district.

12. To provide for the payment to any
district the proper amount to which it may
account of such district, in whole or in pa
connected with territory now included in s

Sec. 15. The said board of education sh
to allow the children of persons not resid

Non resident children.

city, to attend any of the schools of said
care and control of said board, upon such
board shall by resolution prescribe, fixing
shall be paid therefor.

Amount of expenditures.

Sec. 16. It shall be the duty of the sa
their expenditures and contracts, to have
amount of moneys that shall be subject to
ring the then current year, for the particu
in question, and not to exceed such amoun

Sec. 17. The said board of education

district library in said city, and all the provisions of ch now are or may hereafter be passed relating to school libraries, shall apply to the said board in the anner as if they were trustees of an ordinary school , they shall also be vested with the discretion as isposition of the moneys appropriated by any law tate, for the purchase of libraries, which is therein d upon the inhabitants of school districts. It shall duty to provide a library room, and the necessary e therefor, and appoint a librarian to make all pur- f books for the said library, and from time to time ange or cause to be repaired the damaged books g thereto. They may also sell any books they em useless or of an improper character, and apply eeds to the purchase of other books. Library.

18. It shall be the duty of the said board, at least days before the annual election for commissioners, year, to prepare and report to the city council a true rect statement of the receipts and disbursements ys under and in pursuance of the provisions of this ing the preceding year; in which account shall be nder appropriate heads. To make statement.

he moneys received by the city council under the ction of this act.

he school moneys received by the treasurer of the n the county treasurer.

he moneys received by direct tax.

ll other moneys received by the treasurer, subject der of the board, specifying the sources.

he manner in which sums of money shall have pended, specifying the amount paid under each expenditure. Statement what to contain.

the city council shall, ten days before such election, e same to be published in at least two of the news- ublished in said city. To be published.

19. The said board shall be subject, from time to the rules and regulations made by the state super- nt of common schools, so far as the same may be ble to them, and not inconsistent with the provis- this act. Subject to regulations of state superintendent.

20. The city superintendent shall be the executive f the board of education; shall examine all teach- ing applications for schools, (examinations to be and in the presence of the board;) shall grant cer- to such persons so examined, as shall be be deem- im and a majority of the board suitably qualified, ll carry into effect the ordinances of the common City superintendent.

council and the rules and regulations of the b
erence to the common schools; he shall also
charged with the care and custody of the se
houses of the city, and under the direction
shall superintend the building, enlarging, im
nishing and repairing of all the school houses
be erected by them, and the making of all rep
provements on and around the same. In ad
foregoing duties, he shall visit the common s
city, at least twice during each term, and repo
dition to the board, with such suggestions
provement as he may deem proper. He shall
such other duties with respect of such schools
may assign to him. The amount of his compe
be determined by the city council, and the ma
payment.

To make report.

Sec. 21. It shall the duty of the city su
between the first and fifteenth days of Octo
year, to make and transmit to the clerk of

Report what to contain.

supervisors of the county, a report in writing,
on the first day of October in the year of its t
stating,

1. The number of schools taught within t
the length of time they have been taught
teachers.

2. The whole amount of public moneys
the use and benefit of such schools.

3. The number of children taught in t
schools of the city, and the number of childre
the city over the age of four and under the ag
years.

4. The manner in which the public money
expended, and whether any, and what part re
pended, and for what cause.

5. The amount of money raised in the city
teachers' wages in addition to the public mone
for, the amount of taxes raised for the purcha
house sites, for building, hiring, purchasing, re
insuring school houses, for fuel, for district lib
any purpose allowed by law in the said city, s
of the last preceding report, with such other
as the state superintendent may from time to t

Powers of city council.

Sec. 22. The city council of the said city
the power, and it shall be their duty to pass su
ces and regulations as the board of education
as necessary and proper for the protection, sa
care, and preservation of the school houses, lo

appurtenances, and all necessary property belonging to or connected with the schools in said city, and to impose proper penalties for the violation thereof, subject to the restrictions and limitations contained in the act of incorporation of said city; and all such penalties shall be collected in the same manner that the penalties for a violation of the city ordinances are by law collected, and when collected shall be paid to the treasurer of the city, and be subject to the order of the board of education, in the same manner as other moneys raised pursuant to the provisions of this act.

To sell school houses.

Sec. 23. Whenever the said board shall report to the city council that it is advisable to sell any of the school houses, lots, or sites, or any of the school property now or hereafter belonging to the city, it shall be the duty of the city council to sell the same without unreasonable delay, and upon such terms as the said city council may deem advisable. The proceeds of all such sales shall be paid to the city treasurer, and shall be subject to the order of the said board, to be expended by them in the purchase, leasing, repairs, or improvements of other school houses, lots, school furniture, apparatus, or appurtenances.

Title of school property vested in city of Racine

Sec. 24. The title of the school houses, sites, lots, furniture, books, apparatus, and appurtenances, and all other property in this act mentioned, shall be vested in the city of Racine; and the same while used or appropriated for school purposes, shall not be levied upon or sold by virtue of any warrant or execution, nor be subject to taxation for any purpose whatever; and the said city in its corporate capacity shall be able to take, hold, and dispose of any real or personal estate, transferred to it by gift, grant, bequest, or devise for the use of the common schools of the said city, whether the same shall be transferred in terms to said city by its proper style, or by any other designation, or to any other designation, or to any person or persons, or body, for the use of said schools.

Disposition of school funds.

Sec. 25. All moneys required to be raised by virtue of this act, on being raised as herein provided, shall be held by the treasurer of said city, and by him placed to the credit of the said board of education, and shall be drawn out in pursuance of a resolution or resolutions of said board by drafts drawn by the president and countersigned by the clerk of said board, payable to the order of the person or persons entitled to receive such moneys; and said treasurer shall keep the funds authorized by this act to be received by him, separate and distinct from any other fund that he is or may by law be authorized to receive.

Payment of debts

Sec. 26. It shall be the duty of the said bo
cation to ascertain and report to the city cou
city the amount of any and all indebtedness of
present school districts within said city, and to
and when and how payable; and the said city c
have the power, and it shall be their duty, in
that any such indebtedness shall become due,
tion thereof, to cause the amount so becoming
any of said districts to be assessed upon and col
the taxable property within the said city, in the
ner as the taxes for contingent expenses are a
collected, for the use of said board of education
ment of such indebtedness.

Union school.

Sec. 27. It shall be the duty of the said bo
cation, and they shall have the power to procu
a central part of the city of Racine, and cause
ed thereon a suitable and proper edifice for a u
school, at as early a day as practicable, and ca
ment of the cost of said site and building to be
said city council of said city, who shall have the
it shall be their duty to borrow a sum of mon
ceeding six thousand dollars, for the payment of
or amounts contracted to be paid by said boar
tion for the erection of said union or high sch
and to execute bonds therefor, under the com
said city, and the signatures of the mayor and cl
The loan of the sum hereby authorized shall be
of not exceeding ten years, and shall be paid in s
ulated by said city council, and the interest ther
paid annually; and the said city council are her
ized, and it shall be their duty to raise by tax,
as specified in the ninth section of this act, the
terest of the above mentioned loan, and to pa
same in discharge of such interest; and also to
and collect in the same manner any sum or sum
to meet the conditions of said loan, and to pa
same in discharge thereof.

Officers to be notified of their election.

Sec. 28. It shall be the duty of the clerk
immediately after the election of any person as
sioner of common schools, or as city superint
sonally to notify him of his election; and if an
son shall not within ten days after receiving sa
notice of his election, take and subscribe the co
oath, and file the same with the clerk of the sai
city council may consider it a refusal to serve, a
to supply the vacancy occasioned by such refusa

Sec. 29. The present school officers of the s

tricts referred to in the first section of this act, shall continue in office until the unfinished business of said districts shall have been closed up and settled, with all the powers and and duties now by law imposed upon them, for the purpose of closing up such unfinished business, which shall be done with as little delay as possible. Term of present officers.

Sec. 30. This act shall take effect immediately.

J. McM. SHAFTER.
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved April 14, 1852.
LEONARD J. FARWELL.
[*Published, June 3, 1852.*]

An Act to incorporate a Fire Department in the Village of Janesville

Chap 295

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That the following named persons, William L. Mitchell, William Kempe, A. G. Allen, Henry O. Clark, H. Miltmore, William Skelton, H. Jackman, J. N. Kaiser, S. W. Smith, Isaac Houland, Samuel Doolittle, Nathaniel Parker, J. W. Hobson, C. P. Sears, and their successors shall be and hereby are ordained, constituted, and declared to be and continue a body politic and corporate in fact and in name, under the name and style of the "Fire Department of the Village of Janesville;" by which name they and their successors may and shall have perpetual succession, and shall be known in law, capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, of defending and being defended, in all suits, complaints, matters, causes, courts, and places whatsoever, both in law and equity; and capable of having a common seal, of acquiring by purchase, gift, devise, or otherwise, and of holding and conveying any real, personal, or mixed estate, necessary, proper, or expedient for the object of this incorporation: *Provided*, That the amount of said estate shall at no time exceed the sum of fifty thousand dollars. Created a body corporate. Proviso.

Sec. 2. The officers of said department by this act incorporated, shall be a president, vice president, secretary, and treasurer; and said officers shall, together with the chairman, of the town board of supervisors and the delegates to be elected or appointed pursuant to the constitution and by-laws of said department, constitute a board of trustees, a majority of whom shall be a quorum for the Officers.

transaction of business; and the members of s
trustees seperately, and as such board, shall e
authority and do and perform such duties as
ted in them, or required of them by said cons
Proviso. by laws: *Provided*, That in case the villa
ville shall be hereafter incorporated, the mayo
ident thereof, as the case may be, shall be a
said board of trustees, in the place and steal
man of said board of supervisors.

Sec. 3. There shall be an annual meeting
partment on the first Monday in May in each y
the officers shall be elected by ballot by a ma
Annual meeting. members present. Said officers shall hold the
one year, or until others shall be chosen in t
In case it shall at any time happen that an ele
cers shall not be held on the day above specifi
poration shall not be dissolved; but it may and
ful to hold such election thereafter pursuant t
tice given in one or more of the newspapers
said village of Janesville.

Who to be officers. Sec. 4. The officers of the said department t
of the board of supervisors of the town of Janes
president, J. J. R. Pierce, vice president, B.
secretary, E. H. Bennett, treasurer; and sh
with said chairman of said board of trustees,
egates to be elected or appointed as provide
second of this act, constitute the first board o
said department, and shall hold their offices u
from the first Monday in May next, except tha
man of said board of supervisors shall continu
of said board of trustees as long as he shall
chairman of said board of supervisors.

How interest to be invested. Sec 5. The interest arising from the funds
ty of said corporation, except sufficient to defra
expenses, shall be appropriated to the relief o
gent and disabled members and their familie
interested in the funds or property, and who
opinion of the majority of the trustees, be wor
tance.

Sec. 6. The board of trustees of the said
shall have power to authorize the formation of
Fire companies. hook and ladder, hose and bucket companies,
for the due support and regulation of the same
der such companies to be disbanded, their m
hibited, and their apparatus to be delivered
department. Each company shall be formed
enlistment of not to exceed seventy able bodied

between the ages of eighteen and forty-five years, and shall have their own officers, and form their own by-laws, not inconsistent with the rules and regulations of the said department. Every member of each company shall be exempt from highway poll tax, and from military duty, during the continuance of such membership; and any person who shall serve as a member of any such company the full term of seven years, shall be forever thereafter exempt from military duty, except in case of insurrection and invasion.

When companies may be disbanded.

Sec. 7. If any of the said companies, formed as above provided, shall cause, incite, or create any riot, mob, quarrel, or disturbance with any other company, or with any other person or persons, said board of trustees shall inquire into and investigate such riot, mob, quarrel, or disturbance and shall, in their discretion, disband said company, and require the said company to deliver up its fire apparatus, whatever the same may be, and prohibit its meetings.

Board to issue certificates.

Sec. 8. Certificates of membership and certificates of discharge, after full term of service in any of said companies shall be granted by the department, which certificate, signed by the president and treasurer of said department, and countersigned by the clerk of the court of the county [of] Rock, and under the seal of the said fire department, shall in all cases be satisfactory evidence of the fact therein contained, and each member applying for such certificate shall pay therefor such sum as the by-laws of said department shall prescribe.

List of members

Sec. 9. It shall be the duty of the said board of trustees to make out and deliver to said clerk of court of said county of Rock, once in each year, or as often as he may request it, an accurate list of all members of this incorporation, who shall be exempt from jury or military duty, or who may be entitled to the benefits of such exemption.

Sec. 10. The legislature may at any time alter, modify or amend this act.

Sec. 10. This act shall be in force from and after its publication.

J. McM. SHAFTER.
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 14, 1852.
LEONARD J. FARWELL.

[*Published May* 12, 1852.]

An Act to appropriate funds for the benefit of the Wisconsin Institution of the Blind.

Chap 296

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Money appropriated.

SECTION 1. The sum of two thousand dolla appropriated from the treasury for the support consin Institution for the Education of the Blind commencing October 1st, 1852. The said s paid to the board of trustees of said institutio in advance, on the order of said board, and ce state treasurer by the president and secret board.

Money appropriated for building

SEC 2. The further sum of twenty-five hun is hereby appropriated from the treasury, for of furnishing the building erected by virtue of titled "An act to appropriate funds for the be Institution of the Blind," approved March 15, for the purpose of fencing the grounds of said digging a well, purchasing pumps, erecting ou and for such other purposes as may be necessa to prepare said building and premises for the the pupils and teachers, or others connected wi trtion. The sum specified in this section sha from the state treasury on a like order of the tees of said institution, as that mentioned in t tion of this act.

Who to be received.

SEC. 3. The blind of this state who are of and capacity and are in indigent circumstances parents are not of sufficient ability to pay for ing, washing, and fuel shall be received and ta school, and enjoy all the benefits and privi same, and be furnished with board, lodging, a and fuel, and the use of suitable books, and of of said school, free of charge. But in all cases pupil or the parents of such pupil is of sufficie pay for board, lodging, washing, and fuel, wh pil may remain in such school, the trustees ar quired and authorized to prescribe what part of es of such board, lodging, washing, and fuel s by such pupil or the parent of such pupil, acco ability of such pupil or the parent of such pu demand and receive the same from such pupil o of such pupil.

Sec. 4. This act shall take effect from and after its publication.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 14, 1852.
LEONARD J. FARWELL.

[*Published May* 12, 1852.]

An Act relating to Seals of Circuit and County Courts. **Chap 297**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. The circuit courts in the several counties of this state are hereby authorized to adopt and use such new seals as may be furnished by the board of supervisors of the several counties of this state, as provided by section two, chapter fifty-five of the revised statutes. New seals.

Sec. 2. When any circuit or county court in this state shall have adopted a new seal as provided in the preceding section, the affixing such seal shall be deemed a sufficient sealing of all writs and process, record, exemplifications, or attestations of said court, which by law are required to be authenticated by the seal of the court. How sealed.

Sec. 3. This act shall be in force from and after its publication.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 14, 1852.
LEONARD J. FARWELL.

[*Published May* 12, 1852.]

An Act to amend chapter one hundred and ninety-seven, approved March 11th, 1851 **Chap 298**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That at the expiration of twenty days after the adjournment of any court, if the attorneys in any suit shall not have filed with the clerk a taxed bill of costs, it shall be the duty of the said clerk to make up a bill of costs from the papers in the suit, and tax them without notice, and file the same in his office, which bill of costs shall become a part of the records in the suit. When clerk to make up bill of costs.

SEC. 2. This act shall take effect from and afte
lication.

J. McM. SHAFTER,
Speaker of the A
E. B. DEAN, JR.,
President pro tem. of th
Approved, April 14, 1852.
LEONARD J. FARWELL.
[*Published May*

Chap 299 An Act to establish an Academical and Collegiate Institution in Ma

The people of the State of Wisconsin repre
Senate and Assembly, do enact as follows:

Created a body corporate.

SECTION 1. William Slade, Franklin B. Ha
F. Gillman, Merrit W. Seeley, J. W. Allen, G
Bartlett, Thomas C. Snow, Thomas Mosley, W. H
field, J. S. Barnes, F. Chickering, James M. DeF
the president of the collegiate faculty for the
ing, and their successors shall be and they are he
ated and constituted a body politic and corpora
styled the board of trustees of "The Slade Acad
Collegiate Institute of Marquette," to remain in
succession; the design and purpose of said corpor
ing to found, establish, and maintain, at Marq
Marquette county, an institution of science, litera
learning of the highest order, embracing an ac
and preparatory department of instruction.

Trustees.

SEC. 2. There shall be thirteen trustees of sa
ration, one of whom shall be chosen to act as
of the board until a collegiate faculty shall h
duly chosen and organized as hereinafter p
then the president thereof shall be *ex officio* the fo
trustee, and president of the board.

First meeting.

SEC. 3. The board shall hold their first meeti
village of Marquette, within six months after the
of this act, and a majority of its members shall i
ses constitute a quorum for the transaction of
After thus organized, said board of trustees m
books for the purpose, and receive such subscript
nations, bequests, and endowments as may be offe
in such manner as they may deem necessary to c
the objects of the institution.

SEC. 4. The building of this institution shall
ted on lots donated for the purpose in the north-w

ter of block nine, in the village of Marquette, according to the recorded plat thereof. Location.

Sec. 5. The board of trustees shall have full power, in their corporate name, to sue and be sued, to plead and be impleaded, contract and be contracted with, and to have and use a common seal, which they may alter at pleasure, to acquire, hold, use and convey property, real, personal, and mixed, and the same to sell, rent, lease, or otherwise dispose of at pleasure, for the purpose of education and no other: *Provided*, The amount of real estate owned by said corporation shall at no time exceed ten thousand dollars, exclusive of the building and land used and occupied by said institution, for school and collegiate purposes, to see that every donation, subscription, and bequest made to the institution, be applied in conformity with the conditions on which the same was made; to make all necessary by-laws for the due order of their own affairs and for the government of the institution, to fill all vacancies in their own bodies which may from time to time occur, to remove members of their own body, for long continued neglect of duty, to confer such degrees and other honors upon those whom they may deem qualified and worthy to receive the same, as are usually conferred by similar institutions in the United States, to elect a president, who shall be the chief executive officer of the institution, and head of the collegiate faculty, to elect such professors, tutors, teachers, and other officers as in their opinion, the interests of the institution may demand, to define the duties of all officers thus elected, and on sufficient cause, to suspend or remove them from office, to determine the amount of all salaries paid or to be paid by the institution, to regulate the course of instruction, and prescribe the books, authorities, and apparatus to be used in the various departments, and to have such further general powers not herein specified and not inconsistent with the letter and spirit of this act as are granted to corporations, under the name of general provisions in chapter fifty-four of the revised statutes of this state. Powers. Proviso.

Sec. 6. No religious test shall ever be allowed in connection with this institution. No religious test

Sec. 7. All meetings of the board shall be held in the village of Marquette at such time and place as the majority may deem proper. Where meetings held.

Sec. 8. This act shall be liberally construed for the purpose therein contemplated, and may be altered or amended by the legislature.

SEC. 9. This act shall take effect from passage.

J. McM. SHAFTER,
Speaker of the
E. B. DEAN, JR.
President pro tem. o

Approved, April 14, 1852.
LEONARD J. FARWELL.
[*Published*

An Act to appropriate to Charles S. Frissell the sum of money

Chap 300

The people of the State of Wisconsin r
Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated Frissel, out of any money not otherwise app sum of eighty-nine dollars, in full for boardin gan, David Heath, Michael Dunlavary, and ing, state prisoners, and for night watch for up to December 2d, 1851.

J. McM. SHAFTER
Speaker of
E. B. DEAN, JR.,
President pro tem. o

Approved, April 14, 1852.
LEONARD J. FARWELL.

An Act to appropriate to James Hutchinson the sum ther

Chap 301

The people of the State of Wisconsin r
Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriat Hutchinson out of any money in the state tre erwise appropriated the sum of four dollars an cents, in full for clerk's fees in making tra case of the state of Wisconsin vs. John C. Ca ble the sheriff to take said prisoners to Wa year 1852.

J. McM. SHAFTER,
Speaker of t
E. B. DEAN, JR.
President pro tem. o

Approved, April 14, 1852.
LEONARD J. FARWELL.

An Act to appropriate to Joseph Jones the sum therein named. **Chap 302**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Joseph Jones, out of any money in the state treasury not otherwise appropriated, the sum of eighteen dollars, in full for services as guard to take John C. Calvert, a state prisoner, to Waupun, in the year 1852.

J. McM. SHAFTER,
Speaker of the Assembly.

E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved, April 14, 1852.

LEONARD J. FARWELL.

An Act to amend an act entitled "An act to authorize the City of Racine to aid in the construction of certain plank roads," approved February 16th, 1852. **Chap 303**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The act entitled "An act to authorize the city of Racine to aid in the construction of certain plank roads," approved February 16, 1852, is hereby so amended that said city is authorized to subscribe four thousand dollars to the capital stock of a company to be formed to construct a plank road from said city in a northern direction to the county line, or to issue its bonds therefor: *Provided*, Said proposed company is duly organized, and the sum of four thousand dollars actually and in good faith subscribed to the capital stock thereof, and properly secured. Act amended. Proviso.

SEC. 2. The above mentioned act is also so amended that said city is authorized to subscribe six thousand dollars to the capital stock of a company now formed to construct a plank road from Racine to Raymond, or to issue its bonds therefor: *Provided*, Said company shall actually and in good faith obtain subscriptions to the amount of eight thousand dollars to the capital stock thereof, and properly secured. Further amendment. Proviso.

Sec. 3. This act shall take effect from a passage.

J. McM. SHAFTER,
Speaker of th
E. B. DEAN, Jr.,
President pro tem. of

Approved, April 14, 1852.
LEONARD J. FARWELL.
[*Published,*

An Act to amend an act entitled "An act to incorporate Whitew

Chap 304 *The people of the State of Wisconsin, rep Senate and Assembly, do enact as follows:*

Section 1. Section four of the act entit to incorporate Whitewater Academy," ap
Act amended. ruary 18th, A. D. 1852, is hereby so amend words "first Monday of March" shall be char Monday of May."

Sec. 2. This act shall take effect from passage and its approval by said corporation meeting thereof.

J. McM. SHAFTER,
Speaker of t
E. B. DEAN, Jr.,
President pro tem. o

Approved, April 14, 1852.
LEONARD J. FARWELL.
[*Published,*

An Act to amend the charter of the Fort Winnebago and Duck C Company.

Chap 305

The people of the State of Wisconsin re Senate and Assembly, do enact as follows:

Section 1. Section number two of chapter
Charter amend- hundred and fifty-eight of the session laws of
ed. "An act to incorporate the Fort Winnebag Creek plank Road Company," is hereby ame the stockholders of said company are hereb and empowered to fix the termination of said point in the town of Fort Winnebago they
Proviso. *Provided*, It be done by a majority of all the

said company, at any regular meeting, or at any special meeting duly notified for that purpose.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, April 14, 1852.
LEONARD J. FARWELL.

[*Published, June 2, 1852.*]

An Act to lay out and establish a certain State Road therein named.

Chap 306

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Chapin M. Seley, Henry W. Kingsbury, and E. S. Miner are hereby appointed commissioners to lay out and open a state road from Berlin, Marquette county, via Dakota and the Wisconsin river, at a point near the mouth of Yellow river; thence on the most practicable route to prairie La Cross on the Mississippi river. Commissioners.

SEC. 2. Said commissioners together with their necessary assistants, shall receive such compensation for their services from the counties through which said road shall pass, as the supervisors of said counties shall deem just and reasonable; but no moneys shall be drawn from the state treasury to pay said expenses. Compensation.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, April 14, 1852.
LEONARD J. FARWELL.

An Act to effect the compiling of a Documentary History of Wisconsin.

Chap 307

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. For the purpose of collecting materials and arranging the same as a documentary history of Wisconsin, William R. Smith, of Iowa county, is hereby authorized to have access to the library and state offices of the state of Wisconsin at any time during the business hours of the same, and take copies of such records and public papers as he may require, without paying any fees therefor; and also to procure from the library such books as he may re- May have access to state offices.

quire, subject to all the rules and regulations of the state library.

Money appropriated.

SEC. 2. To encourage the said William R. Smith in forming a full history of Wisconsin from the earliest period until the present time, which shall embrace its social and political condition, colonial, territorial, and federate, together with the past and present statistics for the several counties in the state, there is hereby appropriated the sum of one thousand dollars, to be paid out of the state treasury, out of any moneys not otherwise appropriated, to the governor of the state of Wisconsin.

How Paid out.

SEC. 3. The governor is hereby authorized and empowered to pay to the said William R. Smith, out of the sum of money hereby appropriated, from time to time, such sums as in his discretion, he may think necessary and proper to enable the said William R. Smith to carry on and complete the contemplated work; and the said William R. Smith, shall, from time to time, as portions of said work work may be written, deposit the same in the executive office of the state, for the purpose of preservation and future publication should the same be thought necessary and proper.

History to be published.

SEC. 4. Whenever the said documentary history is completed and the manuscript so deposited in the office of the executive, the same shall be published at the expense of the state for distribution, as may hereafter be directed by law; and the copy right to the said work shall be and remain in the state; and the said William R. Smith shall receive for his labor and services in compiling the said documentary history such compensation as shall be directed by an act of some future legislature.

SEC. 5. This act shall take effect from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.

E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, April 14, 1852.
LEONARD J. FARWELL.

[*Published May 19, 1852.*]

An Act to appropriate to D. Casey the sum therein named.

Chap 308

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropaiated to D. Casey, out of any money in the state treasury not otherwise appropriated the sum of one hundred and fifty dollars, in full for boarding William Flannagan and Charles Habernitch, state prisoners, from November 10th, 1851, to January 12th, 1852, and for expenses for self and team and necessary help, in removing said prisoners from Waukesha to state prison at Waupun, and also for watching jail during the confinement of said prisoners therein for nine weeks.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 14, 1852.
LEONARD J. FARWELL.

An Act to appropriate to Nichols & Shiff the sum therein named.

Chap 309

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Section 1. There is hereby appropriated to Nichols & Shiff out of any money in the state treasury not otherwise appropriated, the sum of thirty-one dollars and fifty cents, in full for services of team and driver, in carrying John C. Calvert, state prisoner, to Waupun, in the year 1852.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 14, 1852.
LEONARD J. FARWELL.

An Ac to appropriate to Atwood & Buck the sum therein named.

Chap 310

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to Atwood & Buck, out of any money in the treasury not otherwise appropriated, the sum of thirty dollars, in full pay for publishing, by order of the secretary of state, notice of the udicial election in the second judicial circuit for the year

1851, and for newspapers furnished by order o
at this session containing the report of the boa
of the University of Wisconsin.

J. McM. SHAFTER,
Speaker of th

E. B. DEAN, Jr.
President pro tem. of

Approved, April 14, 1852.
LEONARD J. FARWELL.

Chap 311 An Act to appropriate to William L. Utley the sum therein

The people of the State of Wisconsin re
Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated
L. Utley the sum of forty-eight dollars, out of
in the treasury not otherwise appropriated in
of Mitchell's new reference and distance maps
use of the senate, one for the assembly, one f
tive department, and one for the secretary of

J. McM. SHAFTER,
Speaker of th

E. B. DEAN, Jr.
President pro tem. o

Approved, April 14, 1852.
LEONARD J. FARWELL.

Chap 312 An Act to appropriate to Richard S. Vivian the sum there

The people of the State of Wisconsin re
Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated t
Vivian, out of any money in the state treasu
wise appropriated, the sum of fifty-seven dolla
services and expenses in taking John C. Ca
prisoner, to Waupun, in the year 1852.

J. McM. SHAFTER,
Speaker of t

E. B. DEAN, Jr.
President pro tem. o

Approved, April 14, 1852.
LEONARD J. FARWELL.

An Act to permanently locate the County Seat of Bad Ax County. Chap 313

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Special election

SECTION 1. The qualified electors of the county of Bad Ax shall be and are hereby authorized to vote for the permanent location of the county seat of said county, at an election hereby authorized to be held therein on Tuesday, the twenty-fifth day of May, 1852, and polls shall be opened at the usual places of holding elections, which shall be conducted in the same manner as is provided by law for conducting general elections.

Sheriff to give notice.

SEC. 2. The sheriff of said county shall give at least ten days' notice of said election by posting or causing to be posted three written or printed notices, in public places in the vicinity of each place where the polls are to be held; which notices shall state the object and the time and place of holding the same; and the affidavit of the person or persons posting the same shall be filed with the clerk of the board of supervisors previous to the canvass by the board of county canvassers.

Form of ballot.

SEC. 3. It shall be competent and lawful for each qualified elector as specified in the first section of this act, to vote at said election for such place as he may think proper to designate, for the permanent county seat of said county; each ballot to contain the words written or printed, or partly written and partly printed "For permanent county seat" (naming the place) and no vote shall be thrown out by the inspectors for any irregularity, if the intention of the elector is clearly specified.

How canvassed

SEC. 4. The votes given at such election shall be canvassed by the inspectors, and returned as provided by law to the clerk of the board of supervisors, within one week from the time of holding said election.

To make statement.

SEC. 5. On the Tuesday next succeeding the election, the board of county canvassers, as chosen under the provisions of law, shall meet at the office of the clerk of the board of supervisors of said county, and proceed to make an estimate and statement of the votes cast, as follows: they shall make duplicate statements, written out in words at length of the whole number of votes given at said election, and the names of the places voted for, for county seat, and the number of votes each said place received, which said statement shall be certified as correct, and attested by the signatures of the said county canvassers, one of which statements shall be filed in the office of the clerk of the board of supervisors and recorded in a

suitable book provided for that purpose, and
forthwi.h be forwarded to the secretary of
him filed in his office, and the said secretar
with publish in the newspaper in which t
state are officially published, a certified copy
ment. If it shall appear from the statemen
any one place has received a majority of al
at such election, then such place shall be d
clared to be the permanent county seat of s

SEC. 6. If, upon canvassing the votes as
Second election. in the preceding section of this act, it shall
place has received a majority of all the vo
new election for choosing a location for perm
seat shall be held on Tuesday, the twenty
June, A. D. 1852; and the sheriff shall ca
to be given of the election so ordered, and
posting up of such notices shall be made as
section two of this act; which notices shall a
further statement of the names of the two
the highest number of votes for permanent
the preceding election, and no vote cast a
election shall be counted unless it designat
one of the two places having the highest nu
at the previous election.

SEC. 7. The votes cast at such second ele
How canvassed. canvassed by the inspectors and returned
the board of supervisors within one week after
and on the Tuesday next succeeding such
shall be opened by the county canvassers,
statements thereof made, and a certified copy
ment shall be published by the secretary of
vided in section five, and the place havi
number of votes at such election, shall be de
clared to be the permanent county seat of sa

SEC. 8. This act shall take effect from an
sage.

J. McM. SHAFTER
Speaker of th
E. B. DEAN, JR.
President pro tem.

Approved, April 14, 1852.
LEONARD J. FARWELL.
[*Published*

An Act for the preservation of Booms. **Chap 314**

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. Every person who shall willfully or maliciously, break, cut away, injure, or destroy any boom lawfully established and being in and upon any river, pond, bog, stream, or inlet, within this state, or shall willfully or maliciously make any cut or breach in such boom with intent to destroy the same, shall be punished by imprisonment in the county jail for not more than six months nor less than one month, or by fine not exceeding one hundred dollars. Penalty for injury to boom.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved, April 14, 1852.
LEONARD J. FARWELL.

[*Published May* 27, 1852.]

An Act to amend an act entitled "An act to incorporate the Winnebago Lake and Fox River Road Company." **Chap 315**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nine of the act to which this act is amendatory, approved March 13, 1848, is hereby amended so as to read as follows: the said directors may place toll gates at any place on said road when they may determine: *provided*, That after the completion of the said road no toll gates shall embrace less than ten miles in length of road; half toll gates, half that length, or five miles, in the proportion as aforesaid until such gates shall embrace the whole length of said road: *And further provided*, That during the progress of the construction of said road, it shall be lawful for the directors to erect toll gates which shall embrace three or more miles progressively in length of said road, until the road is completed. Whenever three or more consecutive miles of said road shall be completed, it shall be lawful for the said directors to cause a toll gate to be erected, or when ten miles shall be constructed, a full toll gate, discretionary with said directors, at which gates said company may demand and receive toll, not exceeding two cents per mile for every vehicle, sled, sleigh, or carriage of any description drawn by two animals; and for any vehicle drawn by more than two Act amended. Proviso. Rates of toll.

animals, one half cent per mile for every ad
mal; for every horse and rider, or for every v
by one animal, one cent per mile; for every
or neat cattle and half score of sheep or sw
cent per mile. No toll shall be exacted o
while actually going to or returning from
meeting on Sunday, or from any person liable
ry duty, while actually going to or returning
itary parade or review, at which their attenda
law require; and the toll gatherer at any of sai
ed on said road in pursuance of this act, ma
prevent from passing such gate any vehicle
animal subject to toll, until the toll thereon is

SEC. 2. This act shall take effect from and
sage.

J. McM. SHAFTER,
Speaker of th
E. B. DEAN, JR.
President pro tem. o

Approved, April 14, 1852.
LEONARD J. FARWELL.
[*Published*

Chap 316

An Act to amend Section twelve of Chapter ninety of the Rev

The people of the State of Wisconsin re
Senate and Assembly, do enact as follows:

Act amended.

SECTION 1. Section twelve of chapter nin
vised statutes, shall be so amended as to read
wit: writs of summons shall be served by
original writ to the defendant, and deliverin
copy thereof, if he be found, and if not found
a copy thereof at his usual place of abode wi
of the family of the age of fourteen years or
whom the nature of the writ shall be explai
the return of the writ, duly served, the defen
considered in court, and may be proceeded ag
ingly.

J. McM. SHAFTER,
Speaker of t
E. B. DEAN, JR.,
President pro tem. o

Approved April 14, 1852.
LEONARD J. FARWELL.
[*Published*

An Act to appropriate to Joseph Jones the sum therein named. **Chap 302**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Joseph Jones, out of any money in the state treasury not otherwise appropriated, the sum of eighteen dollars, in full for services as guard to take John C. Calvert, a state prisoner, to Waupun, in the year 1852.

J. McM. SHAFTER,
Speaker of the Assembly.

E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved, April 14, 1852.

LEONARD J. FARWELL.

An Act to amend an act entitled "An act to authorize the City of Racine to aid in the construction of certain plank roads," approved February 16th, 1852. **Chap 303**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The act entitled "An act to authorize the city of Racine to aid in the construction of certain plank roads," approved February 16, 1852, is hereby so amended that said city is authorized to subscribe four thousand dollars to the capital stock of a company to be formed to construct a plank road from said city in a northern direction to the county line, or to issue its bonds therefor: *Provided*, Said proposed company is duly organized, and the sum of four thousand dollars actually and in good faith subscribed to the capital stock thereof, and properly secured. Act amended. Proviso.

SEC. 2. The above mentioned act is also so amended that said city is authorized to subscribe six thousand dollars to the capital stock of a company now formed to construct a plank road from Racine to Raymond, or to issue its bonds therefor: *Provided*, Said company shall actually and in good faith obtain subscriptions to the amount of eight thousand dollars to the capital stock thereof, and properly secured. Further amendment. Proviso.

Chap 319

An Act to authorise Eliphalet Gordon to keep a ferry acr

The people of the State of Wisconsin, Senate and Assembly, do enact as follows.

May keep ferry. SECTION 1. That Eliphalet Gordon, his l shall have the exclusive right to keep and r across the Black River on section one, town eight west of the fourth principal meridian, of LaCrosse in this state.

How regulated. SEC. 2. Such ferry shall be subject to s as other ferries according to law fixing the the manner in which licensed ferries shall b tended, and no ferry shall be licensed withi the point where said ferry shall be establish

Rates of ferriage SEC. 3. Said Eliphalet Gordon shall crossing any vehicle drawn by two or more twenty-five cents; for any vehicle drawn twenty cents; for a single horse, ten cents; of neat cattle, after the first, five cents; fo sheep, after the first, one cent.

J. McM. SHAFTE
Speaker of

E. B. DEAN, JR.,
President pro tem.

Approved, April 14, 1852.
LEONARD J. FARWELL.
[*Published*

Chap 320

An Act to legalize a certain road therein nam

The people of the State of Wisconsin Senate and Assembly, do enact as follows:

Declared highway. SECTION 1. All that portion of the road r section sixteen (16) and seventeen, (17) in th bon and county of Waukesha, known as t and Hustisford state road surveyed by Ro and laid out by Robert Black, George Sy Whip, commissioners appointed by the leg year 1848, be and the same is hereby decla lic highway: *Provided*, That no person be cover damages in consequence of the locat

Proviso.

who were not entitled to recover damages at the time of locating the same.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved April 14, 1852.
LEONARD J. FARWELL.
[*Published June* 9, 1852.]

An Act to amend an act entitled "An act to amend an act to change the corporate limits and powers of the town of Green Bay," approved Feb. 18, 1842. **Chap 321**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That an act entitled "an act to amend an act to change the corporate limits and powers of the town of Green Bay," approved February eighteenth, eighteen hundred and forty-two, be and the same is hereby so amended that the president and trustees of the said town have power to levy a tax on the assessed property within the corporate limits of said town, or on the property in either ward, of one mill upon the dollar valuation, to be taken from the last assessment roll of said town, for the purpose of improving and repairing the streets of said town; said tax to be collected and expended in the ward in which it was raised, under the direction of the president and trustees of the said town. Act amended.

Sec. 2. Should the voters of either ward fail to elect trustees on the day appointed by law, some other day for the election may be appointed by the clerk of the board of trustees upon the application of five voters of said ward, he giving at least ten days' notice of the time and place of meeting. Clerk may appoint day for second election.

Sec. 3. All parts of said act, or any other law now in force conflicting with the provisions of this act, are hereby repealed. Acts repealed.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 14, 1852.
LEONARD J. FARWELL.
[*Published, June* 3, 1852.]

Chap 322

An Act to appropriate to Charles G. Mayers the sum therei

The people of the State of Wisconsin, re Senate and Assembly do enact as follows:

SECTION 1. There is hereby appropriated t Mayers, out of any moneys in the state treasu wise appropriated, the sum of sixteen doll cents, in full for services rendered the educa tee during the present session of the legislatu

J. McM. SHAFTER,
Speaker of t
E. B. DEAN, JR.,
President pro tem. o

Approved, April 14, 1852,
LEONARD J. FARWELL.

Chap 323

An Act to incorporate the Little Bull Falls Boom Com

The people of the State of Wisconsin re Senate and Assembly, do enact as follows:

Created a body corporate.

SECTION 1. That Joseph Desert, Henry James Etherege, their associates and succes they hereby are constituted a body corporate of the "Little Bull Falls Boom Company," continue for the space of twenty years, and t may sue and be sued, make by-laws not inco the laws of this state for the management of rate concerns, and have and enjoy all the rig corporations.

How boom to be constructed.

SEC. 2. That said company may erect an boom with sufficient piers on either side or ac consin river above and near Little Bull Falls, of Marathon, for the purpose of stopping logs, spars, square timber and other lumber That said boom or booms shall be so arrange mit the passage of boats at all times, and at ning lumber a sufficient space shall be kept convenient place, for the passage of rafts, an of lumber shall by neglect or accident be ca boom below the space so left open, said bo opened so as to take out said raft, if it can be injury to the company, otherwise it shall be the space kept open for the passage of rafts.

Toll.

SEC. 3. Whenever any logs, spars, squa other lumber in the log or tree shall be secure ed, the said corporation shall be allowed ther

boomage of twenty-five cents per thousand feet, solid measure; and they shall have a lien on all logs or timber so boomed and secured, for the payment of boomage.

Proceedings when lumber not claimed.

Sec. 4. Whenever any logs shall be thus boomed and secured, and no persons shall appear in behalf of the owner or owners thereof to take delivery of the same, and to pay the boomage thereon, the said corporation shall cause said logs to be sawed into lumber, and accurately measured, and after deducting their fees for boomage and the usual rates for sawing, the balance shall be kept by said corporation, subject to the order or disposition of the owner. The said corporation shall cause to be entered in a book to be kept for that purpose, the different marks on logs or timber thus boomed and secured, for which no owner shall appear, the number of logs bearing any mark, and the amount of lumber cut from logs bearing such mark or marks, and shall at the close of navigation in the autumn of each year, deposite in the town clerk's office of the town where such boom may be situated, a copy of all such entries made for that year; the books of said corporation shall at all times be open for the inspection of all persons.

When to notify company.

Sec. 5. Any person or persons wishing to run logs or timber in a "drive" past said boom, shall give the said corporation notice of such desire, and the said corporation upon receiving such notice shall with as little delay as possible, proceed to arrange their boom in such a manner as to permit the passage of logs and timber, and no person shall open said boom at any time for the passage of rafts or logs, without first requiring said corporation so to do.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved April 14, 1852.
LEONARD J. FARWELL.
[*Published, June* 3, 1852.]

An Act to incorporate the Little Bull Falls Improvement and Steam Navigation Company.

Chap 324

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Created a corporate body.

Section 1. Walter D. McIndoe, Henry Cate, Joseph Desert, George J. Goodhue, William A. Schofield, James Etherige, Charles Shuter, and George W. Cate, their associates, successors, and assigns, are hereby created a body

corporate by the name of the "Little Bull
ment and Steam Navigation Company," an
shall be and are hereby made capable in la
hold, and enjoy, and retain to them and t
lands, tenements, and hereditaments, and t
grant, rent, or in any manner dispose of, t
be contracted with, to sue and be sued, i
impleaded, answer and be answered unto, d
defended, and also to make, have, and use,
the same to alter, break, or renew at their p
either or any of the persons named in this s
fuse to accept of the privileges and discharg
the powers hereby conferred, it shall be t
any other of the persons named in this secti
the exercising by the said company any
granted by this act; and in case any of sai
so object as lastly above mentioned, the
hereby prohibited from doing, performing,
any powers or privileges conferred by this a
That said objection be made before said
have entered upon the performance of th
which it was created. The said persons, t
successors, and assigns, are created a body
the purpose of improving the navigation of
river from Stevens Point in Portage county
in Marathon county, and improving the slev
Island, by means of dams, locks, gates, an
using or leasing the water power thereby cr

Capital stock.

SEC. 2. The capital stock of said compa
ceed one hundred and fifty thousand dolla
scribed in shares of fifty dollars each, and a
shares of said stock shall be subscribed, t
above named may, by public notice to be
Plover and Stevens Point in Portage county
Bull Falls and Wausau in Marathon county
of not less than thirty days, call a meetin
holders of said company for an election of th

May erect dams and make improvements.

SEC. 3. For the purpose of carrying out
this incorporation, they and their successo
shall have power to erect and maintain such
dams and piers, at such points on the Wisco
tween the points aforesaid, as to them shall s
for the suitable improvement of the navig
river, and to improve the "slough" through
the Wisconsin river, know as Little Bull Isla
Bean Slough, by the erection of dams, piers,
such manner as may be necessary to keep

tain an artificial channel or canal through said island, and for this purpose they and their successors and assigns in their corporate name, shall be and they are hereby made capable in law to purchase, receive, have, hold, and enjoy any lands, tenements, water power, and water privileges, goods and chattels and other real and personal estate as may be necessary to accomplish the objects of their incorporation, and the same to use and employ, grant, demise, pledge, convey, and dispose of as they shall deem proper, and to have, enjoy, and exercise all the rights, powers, and privileges pertaining to corporations, and useful or necessary for the purposes of their incorporation, and they and their successors and assigns shall have power and authority to demand and receive, and give receipts for the same, and to sue for and recover by summons, distress, attachment, or in any other proper manner, tolls upon all lumber, timber, logs, shingles, lath, boats, scows, barges, or other vessels which shall pass over or through all or any of the improvements made by them or their successors or assigns, the amounts thereof and rates of toll to be established and regulated by a vote of the majority of the stockholders at any legal meeting, subject, however to the alteration and revision of the legislature of this state.

Sec. 4. As soon as three thousand dollars of the capital stock of the said company shall have been paid or satisfactorily secured, it shall and may be lawful for the said company to commence their business, and the said directors or a majority of them shall have power to call in said stock from time to time, in such installments as they shall see fit to prescribe, giving thirty days' notice as aforesaid, not exceeding ten dollars on each share for one installment, and the installments not less than thirty days apart, and if any stockholder shall neglect or refuse to pay his installment on his stock, the stock of such stockholder so neglecting or refusing, and all previous payments thereon, shall be absolutely forfeited to the said company for the use and benefit of said company. And the stock and property of the said company, of whatever nature or kind the same may be, shall be deemed personal property, and shall be transferable on the books of the said company in such manner as shall be prescribed by the by-laws of the said corporation. May call in stock.

Sec. 5. A dividend of the profits of the said company, (except of so much thereof as shall be set apart for a surplus fund,) shall be made semi-annually by the directors among the stockholders, but no dividend shall be made of any part of the capital stock of said company; and the To make dividends.

books of the said company shall at all time
the inspection of the stockholders or any o
transfer of stock shall be valid or effectual u
fer shall be entered or registered in a book
the directors for that purpose.

SEC. 6. The said company, their officers,
agents, may enter upon any land for the pur
May enter upon lands. ring, surveying, and locating any part of
ment, doing thereto no unnecessary damag
the place or places for the location of said
or any part shall be determined by said com
be lawful for them, their agents, officers, e
tractors, and servants, at any time to enter u
session of, and use such lands, or any trees o
as may be necessary to construct such i
Proviso. *Provided*, The payment of such compen
company may have agreed to pay therefor,
certained in the manner hereinafter directe
ed, shall have been first paid to the owner
such land, and all damages which any pers
may sustain in consequence of the erection
such improvement.

How damages settled. SEC. 7. When the said corporation cann
the owner or owners of such required land
stone, for the purchase thereof, or as to the
to be paid to any person or persons who m
damage arising out of the making of such
it shall be lawful for the judge of the circui
county in which such lands lie, or the pers
sustaining damage may reside, on applica
party, and at the cost and charge of such c
appoint three disinterested persons, whose d
to view and examine the premises on which
to locate said improvement, and to estimate
the land, stone, and timber required, and
which the owner or owners of any such land
in consequence of the proposed improvement
taking into consideration the future as well
advantages and damages which the owners o
quired for the proposed improvement may su
quence thereof, and the persons so appointed
ing upon the discharge of such duties, shall
before some justice of the peace or other per
to administer an oath, whereupon such comm
proceed to examine the premises and estimate
such land, stone, or timber, and the damage
owners of any such land may sustain, in c

uch improvements, and shall make a report of such valuation in writing, under their hands and seals, to said judge and shall return the same within thirty days after their appointment to the clerk of the circuit court of the county where said improvement may be located; and it shall be he duty of the clerk to file the same, and in case no appeal shall be made within thirty days after the filing of aid reports as hereinafter provided, then the said clerk hall record the same at the expense of the said company, nd judgment of the said court shall be entered thereon, n motion of either party at any term of said court: *Provided*, That either party may appeal to said court within irty days after said report shall have been filed in the erk's office, and such appeal shall be tried in the same anner as other issues are tried in said court, and a jury ay be empanneled and judgment rendered in the same anner as in other cases. Proviso.

Sec. 8. The said improvements shall be so constructed not to interfere with the navigation of the main channel said river. How constructed

Sec. 9. The said company are hereby authorized and lly empowered in their corporate name and capacity, to rrow any sum or sums of money from any person or per- s and for any rate of interest which may be agreed on by and between said company and any person or rty of whom such money may be obtained, and make d execute in their corporate name all necessary writings, tes, bonds, or other evidences of debt, and make and ecute and deliver such securities in amount and kind as y be deemed expedient by said corporation, any law on subject of usury in this state to the contrary notwithnding; and the said company are authorized and emvered to invest their surplus capital in such manner as y may deem proper, and receive and take in their corate capacity as security for the same, notes, bonds, rtgages, or other writings. May borrow money.

Sec. 10. The directors of said company shall have ver to make all needful rules and regulations and by- s touching the business of said company, and determine r said improvement or any part thereof shall be built; ll regulate the amount of tolls and the manner of coling the same; fix penalties for the breach of any such s, regulations, and by-laws; and penalties provided for nch by-laws may be sued for by any person authorized eby in the name of said company, and recovered in an on of debt before any court having competent jurisdic- Powers.

tion; the by-laws being at all times subject to the revision of the legislature.

How dissolved. Sec. 11. The said corporation may be dissolved by a vote of two-thirds of the stockholders, and the said directors shall make such by-laws as may be thought proper to govern said company in closing up the affairs of the same, in case of a dissolution.

Public act Sec. 12. This act is hereby declared to be a public act and shall be favorably construed, and printed copies thereof shall be received in evidence as proof of the provisions therein contained, in any of the courts of this state: *Provided*, The same shall not be in force until all of the persons named in the first section of this act, or their legal representatives shall sign and cause to be recorded in the office of the register of deeds for Marathon county, a certificate of their assent to the exercise of the powers and provisions of this act.

Proviso.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved. April 14, 1852.
LEONARD J. FARWELL.

[*Published May 27, 1852.*]

Chap 325 An Act to amend an act entitled "An Act to incorporate the Village of Fort Washington"

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Act amended. Section 1. The tenth subdivision of section thirteen of said act shall be [so] amended as to read as follows: "The trustees shall have power upon application in writing of the owners or occupants of two-thirds of the lots bordering and abutting on any street or part of a street within said village, to cause to be graded, graveled, or paved, or otherwise to improve the streets or side walks thereof, and to levy and collect a special tax on the lots and land bordering and abutting on such street or side walk in equal proportion to the fronts of such lots respectively for the purpose of defraying the costs of the same in addition to the ordinary tax authorized to be levied and collected; such special tax to be levied and collected in the same manner as annual taxes are collected, and it shall be the duty of the trustees to provide by ordinance for the assessing, correcting, and equalization of such special tax, and the property so assessed shall be liable for the pay-

ment of the same; and in case any such tax shall be returned delinquent, the proceedings for the sale of the lots or land so returned shall in all respects be the same as in case of delinquency in the payment of the annual tax, with the addition of like interest, cost, and penalty; and upon the application in writing of all the owners of lots fronting or abutting any street, lane, alley, avenue, or way, may be vacated and discontinued: *Provided*, The trustees think the public convenience will not thereby be infringed; and upon a similar application of all the owners of lots, through which a new street, lane, alley, avenue, or way is proposed to be opened, the streets may cross such street, lane, alley, avenue, or way to be opened: *Provided*, That any expense for such opening shall be defrayed by the persons making such application. Proviso.

J. McM. SHAFTER.
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 14, 1852.
LEONARD J. FARWELL.
[*Published June 3, 1852.*]

An Act authorizing the grading the streets of the Village of Sheboygan.

Chap 326

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. It shall be the duty of the trustees of the village of Sheboygan in Sheboygan county, to grade or cause to be graded, the streets and alleys of said village, upon the terms and in the manner following. To grade streets

Sec. 2. Said trustees shall, when they shall order the grading of any street or alley, first agree upon the amount of money or labor to be expended in such grading; they shall then divide such amount into two classes: first, such sum as they shall think is just to be borne by the said village at large, which shall be assessed upon the real estate in said village equally; and second, such sum or amount as they shall deem the lots or parts of lots on each side of such grading, are particularly benefited thereby, which sum or amount shall be assessed to such lots or parts of lots, in such amounts and proportion as said trustees shall judge to be proper and just. How expense divided.

Sec. 3. Said sums so assessed shall be inserted into the ordinary highway tax lists or rates of said village, and How collected.

shall be collected in like manner as are oth
es of said village.

J. McM. SHAFTE
Speaker o
E. B. DEAN, JR.,
President pro tem.

Approved, April 14, 1852.
LEONARD J. FARWELL.

Chap 327 An Act to provide for the removal of the County Seat of M

The people of the State of Wisconsin Senate and Assembly, do enact as follows

SECTION 1. It shall be lawful for the leg
Special election. county of Marquette, on the first Monday
an election which shall be held in the sever
county at that time, to vote for the remova
seat of said county to the village of D
county.

SEC. 2. Said election shall be held at
conducted in the manner now provided b
How conducted. ducting elections for county officers, and th
such election shall be canvassed and return
manner as votes cast for county officers.

SEC. 3. The votes cast at such election
Form of ballot. ten or printed on them, the words "For re
ford," or the words "Against removal to Da
a majority of all the votes cast on the sub
moval shall be in favor of the removal of s
to the village of Dartford, then said count
permanently located at the village of D
county, and shall not again be subject to
provisions of any act heretofore passed by
at its present session.

SEC. 4. This act shall take effect from an
sage.

J. McM. SHAFTE
Speaker o
E. B. DEAN, JR.,
President pro tem.

Approved, April 14, 1852.
LEONARD J. FARWELL.
[*Published*

An Act to incorporate the Madison, Fort Atkinson and Whitewater Rail Road Company. **Chap 328**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That Elisha Burdick, James D. Ruggles, Nathaniel W. Dean, Archibald Tredway, Cassius Fairchild, Eliab B. Dean, Dwight Foster, Milo Jones, Aaron Rankin, George P. Marston, S. A. Rice, Harry Ingerson, George G. Williams, Rufus Cheny, Jr., Joseph L. Pratt, Lucius A. Winchester, Jarvis K. Pike, and E. Wakeley, be and they are hereby appointed commissioners, under the direction of a majority of whom, subscriptions may be received to the capital stock of the Madison, Fort Atkinson and Whitewater Rail Road Company, hereby incorporated; and they may cause books to be opened at such times and places as they may direct for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days' notice of such times and places, by publishing the same in one newspaper printed at Madison, one in the county of Jefferson, and one in the county of Walworth. Commissioners.

SEC. 2. The capital stock of said company shall be eight hundred thousand dollars, in shares of fifty dollars each, and as soon as two hundred shares of stock shall be subscribed, and five dollars on each share actually paid in, the subscribers of such stock, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be, and they are hereby declared and created a body corporate and politic, by the name and style of the "Madison, Fort Atkinson, and Whitewater Rail Road Company," with perpetual succession, and by that name shall have all the privileges, franchises, and immunities incident to a corporation. They shall be capable in law of purchasing, holding, selling, leasing, and conveying estate, real, personal or mixed, as far as the same may be necessary for the purposes hereinafter mentioned, and in their corporate name may sue and be sued, plead and be impleaded, may have a common seal, which they may alter and renew at pleasure, and generally may do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of said corporation. Capital stock.

SEC. 3. The said commissioners, or a majority of them, after the said two hundred shares of stock shall have been subscribed as aforesaid, shall give at least thirty days' notice in the newspapers hereinbefore mentioned of the time and place by them appointed for the subscribers or stockholders to meet for the purpose of electing thirteen directors, and annually thereafter the said stockholders shall To call meeting

meet on the third Wednesday of January, fo
of electing directors as aforesaid, upon a like
tice to be given as aforesaid: *Provided*, Tha
Proviso. the first election, the commissioners hereinb
shall elect one of their number president, a
perform all the duties and be invested with a
of directors: *And provided*, That if from
election shall not be held at the regular ti
therefor, the same may be held at any other t
as aforesaid; that until such election the di
preceding year shall continue to act, and that
shall not be avoided by reason of the irregul
of such election: *And provided also*, That i
cancy from the death, removal, or resignati
rector, his place may be filled by a majority
of directors.

Board of directors. SEC. 4. The affairs of said corporation sh
aged by a board of thirteen directors, who sh
annually by ballot on the days hereinbefore p
the stockholders of the said company, the vot
ered in person or by proxy, duly authorized.
tors shall appoint one of their own number to
and shall respectively serve for one year or u
rectors are elected; they shall have power
establish such by-laws, rules, and regulations
tent with the constitution and laws of this sta
necessary for the well ordering the affairs of s

Each share of stock entitled to one vote. SEC. 5. None but stockholders shall be
tors, and at every election, and in all other
which stockholders shall be called upon to vo
of stock shall be entitled to one vote, and in
elections of directors, the thirteen stockholde
greatest number of votes shall be declared di

Officers. SEC. 6. The said directors shall meet at su
places and be convened in such manner as th
after decide upon. A majority of said dire
a quorum for the transaction of business, w
sence of the president shall appoint a presid
The said directors shall appoint a secretary, t
such engineers and other officers as they ma
sary; they shall have the full power to fix t
tion of all officers, and may demand adequat
the performance of their respective trusts;
cide the time and manner and proportion in w
stockholders shall pay the money due on the
shares, and forfeit to the use of the company
shares of every person or persons failing to pa

ments so required, at a reasonable period of not less than sixty days after the time by them appointed for the payment thereof; they shall have full power to regulate tolls, to make such covenants, contracts and agreements with any person, co-partnership, or body politic whatsoever, as the construction and management of the works and the convenience and interest of the company may require, and in general to superintend and direct all the operations, receipts, disbursements, and other proceedings of the company: *Provided*, That no installment called in at any one time shall exceed two dollars and fifty cents per share, and that no installment shall be called for by the directors without at least thirty days' notice thereof in the newspapers hereinbefore mentioned. Proviso.

To issue certificates.

Sec. 7. The directors chosen as aforesaid, shall issue a certificate to each stockholder for the number of shares he or she may subscribe for or hold in said corporation, signed by the president and countersigned by the secretary and sealed with the common seal, subject however to all payments due or to become due thereon, which stock shall be transferable in person or by attorney, executors, administrators, guardians, or trustees, under such regulations as may be provided for in the by-laws of said company.

To exhibit statement.

Sec. 8. At each annual meeting of the stockholders for the purpose of electing directors, the directors of the preceding year shall exhibit to them a complete statement of the affairs and proceedings of the company for such year; and special meetings of the stockholders may be called by order of the directors, or by stockholders holding one-fourth in amount of the capital stock, on like notice as that required for annual meetings; specifying moreover, the object of such meetings, but no business shall be transacted at such special meeting unless a majority in value of the stockholders shall attend in person or by proxy.

Route of road.

Sec. 9. The said company shall have power to locate and construct a single or double track rail road from Madison, in the county of Dane, via. Fort Atkinson, Jefferson county, to some point in the village of Whitewater, in the county of Walworth, and shall have power to transport, take and carry property and persons upon the same, by power and force of steam, of animals, or of any mechanical or other power, or by any combination of them; and they shall also have power to make, construct, and erect all such side tracks, turn outs and connecting tracks, and all such warehouses, toll houses, machine shops, carriages, cars, and other works and appendages as may be necessary for the convenience of the company for the use of said rail

road, and also to connect said rail road and
same with other rail roads and branch rail
state of Wisconsin.

How charter for forfeited.

SEC. 10. If said corporation shall not with
from the passage of this act commence the c
said rail road, then the rights, privileges,
said corporation, under this act, shall be nul

May enter on lands.

SEC. 11. It shall and may be lawful for s
their officers, engineers and agents to enter
for the purpose of exploring, surveying, and
route of said rail road, doing thereto no unn
age; and when the said route shall be dete
said company, it shall be lawful for them, th
ficers, engineers, contractors, and servants, a
enter upon, take possession of, and use such
ceeding one hundred feet in width along th
route, subject however, to the payment of su
tion as the company may have agreed to pa
such as shall be ascertained in the manner
rected and provided in such cases respectiv
company are further authorized by their offic
agents, and servants, to enter upon lands ad
rail road, beyond the limits of one hundred fe
ner provided in this act when necessary for t
erecting depot buildings, station houses, and
tures for the operation and for the business
and for the purpose of making drains and gi
direction of water courses across or along sa
the same are necessary beyond the limits of
to remove all substances and things which mi
obstruct, or interfere with the free use of sai
deposit earth, gravel, stone, and other mate
bankments and structures necessary to the co
repairs of said road, doing however, no unn
age; and all lands so acquired, and all damag
be done to any lands or property under the
this section, shall be ascertained and paid f
ner and agreeable to the provision hereainaf
and when such damages shall have been pai
dered, the title of the land occupied by such
cavations, and embankments, shall vest in
said company.

How damages settled.

SEC. 12. When the said corporation cann
the owner or owners of such required land,
chase thereof, or as to the compensation to
for, or when by reason of the legal incapaci
of any such owner or owners, no such agre

chase can be made, then and in that case, it shall be lawful for any judge of the circuit court of the county, on application of either party, and at the cost and charge of such corporation, to appoint three disinterested persons residing in said county, whose duty it shall be to view and examine or survey such lands, with the buildings and improvements, if any, thereon, and to estimate the value of the land so taken or required by the said company, and all damages which the owner or owners thereof shall sustain, or may have sustained by reason of the taking of the same for the construction and use of said road or works appertaining thereto, and the persons so appointed, before entering upon the discharge of such duties, shall take an oath before some justice of the peace or other person competent by law to administer oaths, faithfully and according to the best of their abilities to examine the lands so taken or required by said company, and impartially to estimate and appraise the value of the same, and the damage or injury which the owner or owners thereof shall have sustained or may sustain by reason of the taking and using thereof by the said company; whereupon such commissioners shall proceed to examine the premises and estimate the value of such land, and the amount of damages, if any, over and above the benefits and advantages which may accrue to the owners as aforesaid, and shall make a report in writing of such valuation under their hands and seals, to said judge, and shall return the same within thirty days after their appointment to the clerk of the circuit court of the county in which they reside, and it shall be the duty of the clerk to file the same, and in case no appeal shall be made within thirty days after the filing of said report as hereinafter provided, then the said clerk shall record the same at the expense of said company, and judgment of the said court shall be entered thereon, on motion of either party, at any term of said court: *Provided*, That either party may appeal to said court within thirty days after said report shall have been filed in the clerk's office, and such appeal shall be tried in the same manner as other issues are tried in said court, and the jury empanneled to try the same shall find the value af the land so taken or required by said company and the damages which the owner or owners thereof shall have sustained or may sustain by the taking of the same, and judgment of the court shall be entered accordingly: *Provided also*, That it shall not be lawful for the said commissioners or said court to proceed in the assessment of damages or in the valuation of any lands, or materials as aforesaid, in the absence of the owner or owners thereof,

Proviso

his, her, or their agents or attorneys, unles
shown to them by competent testimony that t
or owners shall have had at least five days'
time and place at which such assessment or
to be made, or that the said owner or owners a
the state of Wisconsin, and if the said own
shall be minors or *non compos mentis*, or ab
state, the service of notice may be made on
or trustee, if there be any, in such manner
may direct: *Provided also*, That upon the
filing of any report as aforesaid, and payme
der of the amount of any valuation or appra
therein, to the owner or owners of any such l
or their legal representatives, the said c
agents, or the contractor for making or repai
road, may immediately take and use the s
awaiting the issue of any appeal brought the

Company entitled to estate.

SEC. 13. Whenever any judgment shal
entered as hereinbefore provided, for the
lands or for any damages for the taking and
same, and the amount specified in such ju
have been paid or tendered to the owner or o
lands, his, her, or their legal representatives,
pany shall be entitled to the estate and interes
as fully as if it had been conveyed in fee si
such valuation be not received when tender
any time thereafter be received, or may be
said company by action at law at the cos
of the person or persons entitled to the sam
That the cost of any proceedings and judgm
in the last preceding section shall be taxed
and paid by said company, except in cases wh
peal the verdict of the jury shall be for the s
sum than that reported by the said commissi

Not to obstruct highway.

SEC. 14. The said rail road shall be so c
not to impede or obstruct the free use and p
public road or roads which may cross the
all places where such rail road may cross or in
interfere with any public road, it shall be the
company to make or cause to be made a sufficie
or passage-way to enable all persons traveling
road to pass over or under such rail road with
ience: *Provided*, That in cases where said
cross or come in contact with any public or
so as to occupy any part of such road, it shall
said company to construct such rail road ac
such road, after altering and putting the sa

dition as before; and for that purpose the said company shall, previous to occupying any part of such road, construct a new road in part or in whole, as may be necessary, on ground adjacent to the road, and in every respect complete such newly constructed road or part of a road so interfered with, as substantially as it was previous to the disturbance and occupancy thereof by said company.

To make passage way.

Sec. 15. For the convenience of persons owning or possessing lands through which said rail road shall pass, it shall be the duty of said company when required to make a good and sufficient passage way over or under said rail road whenever the same may be necessary to enable the occupants of said lands to pass over or under the same with wagons, carts, and implements of husbandry as occasion may require: *Provided*, That said company shall in no case be required to make more than one such passage-way for each farm; and when any public road shall cross such rail road in any farm, the person owning or possessing such farm shall not be entitled to require said company to make any additional causeway.

Proviso.

To make dividend.

Sec. 16. So soon as the net profits accruing and received from the use of said road, or part thereof, according to the provisions of this act, shall exceed six per cent. upon the amount of said capital stock paid in, the directors of said company shall make a dividend of such net profits among the stockholders in proportion to their respective shares.

Public act.

Sec. 17. This act shall be favorably construed to effect the purposes hereby intended and the same is hereby declared to be a public act, and copies thereof printed by authority of the state of Wisconsin, shall be received as evidence thereof.

Penalty for damage to road.

Sec. 18. Any person who shall willfully and maliciously place any obstruction or thing upon the track of said road, or shall remove or damage any part thereof, in such a manner that the engine or cars may be impeded or thrown off the track shall be guilty of misdemeanor, whether such result shall happen or not, and shall be punished for every such offence by imprisonment in the state prison for a term not less than one nor more than five years, at the discretion of the court; and in case any damage shall result from the placing such obstructions or injury to said road, said party shall be liable to pay all such damage to said company, and to any other person damaged or injured thereby, and in case any accident shall happen in consequence of placing such obstruction or in consequence of breaking or injuring said road, whereby death may be

produced, the party so offending shall be adj
of murder in the first degree, and shall be pu
ably to the law in such cases made and provi

May borrow money.

SEC. 19. The said rail road company are h
ized and fully empowered in their corporate
pacity, to borrow any sum or sums of mon
persons, corporations, or body politic of a
for any rate of interest which may be agreed
between said company and any person or pe
such money may be obtained, and make and ex
corporate name all necessary writings, notes,
or other papers, and make, execute, and de
curites, in amount and kind as may be deem
by said corporation, any law on the subject
this state or any other state where such transa
made, to the contrary notwithstanding; and
said corporation, for the purposes aforesaid
purposes necessary for carrying out the ob
company, namely: the construction of a ra
Madison, in the county of Dane, via Fort
the county of Jefferson, to Whitewater, in t
Walworth; and the contracts and official acts
pany are hereby declared binding in law and
said corporation and all other parties to said

SEC. 20. It shall be lawful for said cor
chase lands adjoining or adjacent to said ra
enter upon such lands for the purpose of pro

May purchase lands.

gravel, stone, or other materials for the con
repair of said road or buildings and fixtur
therewith, subject to the provisions herein co
lation to damages and compensation; and wh
purchased shall no longer be needed for
aforesaid, the said company are hereby auth
and convey the same.

SEC. 21. This act is hereby declared to be

Rule of evidence

and copies thereof printed by authority of th
be received as evidence thereof.

SEC. 22. This act shall take effect from
passage.

J. McM. SHAFTER.
Speaker of t
E. B. DEAN, JR.
President pro tem. o

Approved April 14, 1852.
LEONARD J. FARWELL.
[*Published,*

An Act to appropriate to John Wright the sum of money therein named. **Chap 329**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to John Wright the sum of ten dollars and twenty-five cents, in full for sundries furnished the state from the sixth of January, 1852, to the twenty-ninth day of February, of the same year, out of any money in the treasury not otherwise appropriated.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 14, 1852.
LEONARD J. FARWELL.

An Act for laying out a State Road in Green County. **Chap 330**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That George Adams, Alpheus Delhaven, John Saucerman be and are hereby appointed commissioners to lay out and establish a state road from the south-east corner of section thirteen, of town two, north, of range nine east, on the nearest practicable route to the village of Monroe, in the county of Green. Commissioners.

Sec. 2. On said commissioners filing a report of their doings by virtue hereof, with a copy of the field notes of the survey of said road, in the office of the secretary of state of this state, and with the clerk of the county board of said county, said road shall become a public highway. When road to become highway

Sec. 3. Said commissioners are hereby authorized to appraise the damages occasioned by the location of said road upon the lands of any individual; which damage, when so appraised, shall be a charge against the town in which such lands may be situated, and the respective town boards shall give to the person entitled thereto an order for the amount on the treasurer of the proper town. To appraise damages.

Sec. 4. Said commissioners may adopt so much of any road heretofore laid out, as they may may think proper, when the location thereof can be ascertained, and may discontinue so much of any former road as shall not be so adopted. May adopt former road.

Sec. 5. This act shall not be so construed as that any

How construed. expense consequent on the provisions of the
paid out of the state treasury,

J. McM. SHAFTE
Speaker of
E. B. DEAN, JR.,
President pro tem.

Approved, April 14, 1852.
LEONARD J. FARWELL.
[*Publishe*

An Act to amend an act entitled "An act to incorporate the M
tosa Plank Road Company," approved March 15.

Chap 331

The people of the State of Wisconsin, r
Senate and Assembly, do enact as follows

SECTION 1. The Milwaukee and Wauwato
May increase capital stock. Company is hereby authorized to increase
twenty five thousand dollars, and to exten
branch thereof from the village of Wauwa
line north until it strikes the Milwaukee an
Road, and also to extend a branch to inters
kee, Watertown, and Madison Plank Road
as they shall see fit.

SEC. 2. The additional capital stock he
How stock subscribed. shall be divided into shares of twenty do
shall be subscribed under the direction of
said road or company, and shall be paid in
ner and under the like condition as the ori
said company.

SEC. 3. Section eight of the said act to i
How damage settled. Milwaukee and Wauwatosa Plank Road Co
by amended so as to read as follows: w
corporation cannot agree with the owner or
land, stone, gravel, or other material requi
struction of said road, for the purchas
the compensation to be paid therefor, or wh
the absence or legal incapacity of the owne
such agreement or purchase can be made, th
case it shall be lawful for any justice of the
county in which the property may lie, upon
said company, to issue his warrant directe
or any constable of said county not directly
quiring him to summon a jury of nine freeh
county, not interested in said property to me
venient place at or near the property to b
day in said warrant named, not less than five
ten days from the date of said warrant, to in
assess the damages which the owner or o

property proposed to be taken, shall sustain by reason thereof. If at the time and place mentioned, any of the persons so summoned do not attend, the said sheriff or other officer shall summon as many as may be necessary with the persons in attendance as jurors, to furnish a pannel of nine jurors; and from them the said company and the owner or owners of the property to be taken, their agent or attorney, or either of them, and if not present in person, the sheriff or constable for him, shall strike off each two of said jurors, and the remaining five shall act as a jury of inquest of damages. Before the said jury shall act, the said sheriff or constable shall administer to each of them an oath or affirmation that he will faithfully and impartially inquire into and assess the damage which the owner or owners of said property may sustain by reason of the taking of the same, and the construction of said road according to the best of his skill and ability; whereupon the said jury shall proceed to view the said land or material proposed to be taken, and to hear the evidence of the respective parties, and to inquire into and assess the said damages, taking into consideration the advantage which the owner or owners thereof shall derive from the construction of said road. Such inquisition and assessment shall be reduced to writing and signed by the said jurors or a majority of them, and by the sheriff or other officer in attendance, and shall, within five days thereafter, be by him transmitted to the clerk of the circuit court of the proper county, who shall file the same. Such inquisition shall describe the property taken and the boundaries of the land in question and the damages to be paid to the owner or owners as aforesaid; and when such damages together with the costs of such inquisition shall be paid or tendered to the owner or owners, or deposited with the clerk of said court, the said company shall be vested with the same interest and estate in the said property as if it had been conveyed in fee simple by the owner or owners thereof so long as the property thus described shall be used for the track of said road: *Provided*, That such jury shall not proceed in the said inquisition and assessment in the absence of the owner or owners thereof, his, her, or their agent or attorney, unless it be made to appear by affidavit that a written notice of the time and place of such meeting shall have been served upon the owner or owners of said property either personally, or by leaving the same at his residence, at least five days before the day appointed for such meeting, or unless it shall in like manner be made to appear that such owner or owners are absent from the county; and if such

Proviso.

owner or owners are under age or *non compos* service of notice upon the guardian or truste any, or their absence from the county shall be be established by affidavit to said jurors befo proceed to make such inquisition and assessm

Sec. 4. Either party may appeal from t such jury to the circuit court of the proper

May appeal. filing notice of his intention so to do, and serv such notice upon the opposite party, within fi the filing of such inquisition; and such app tried in same manner as other civil causes ar

May borrow money. Sec. 5. The said company may borrow mo of interest not exceeding twelve per cent., and ty therefor upon the road.

When act to take effect. Sec. 6. This act shall be in force as soon sage as the said company, by resolution of t directors shall give their consent to this amen

J. McM. SHAFTER,
Speaker of t
E. B. DEAN, Jr.
President pro tem.

Approved, April 14, 1852.
LEONARD J. FARWELL.
[*Published,*

An Act to appropriate to Tibbits & Gordon the sum ther

Chap 332

The people of the State of Wisconsin r Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated Gordon, out of any money in the treasury appropriated, the sum of four hundred and ni lars, and seventy-one cents, in full for bill of nished for the use of the state, up to Febru 1852.

J. McM. SHAFTER,
Speaker of
E. B. DEAN, Jr.,
President pro tem. o

Approved, April 14, 1852.
LEONARD J. FARWELL.

An Act to incorporate the Oshkosh and Menasha Plank Road Company. **Chap 333**

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Commissioners

Section 1. That Lucas H. Miller, Manoah Griffin, Harrison Reed, Joseph Keyes, and Charles Doty be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Oshkosh and Menasha Plank Road Company, hereby incorporated, and they may cause books to be opened at such times and places as they shall direct for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days' notice of the times and places of receiving such subscriptions by publishing the same in one or more newspapers printed in Winnebago county.

Created a body corporate.

Sec. 2. The capital stock of said company shall be forty thousand dollars, in shares of twenty dollars each, and as soon as one hundred shares of the capital stock shall be subscribed and five per cent. of the amount thereon actually paid in or secured to the said company, the subscribers of such stock, with such other persons as they shall thereafter associate with them for that purpose, their successors and assigns shall be and they are hereby created and declared a body corporate and politic by the name and style of the "Oshkosh and Menasha Plank Road Company," with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, bargaining, and conveying estate, real, personal, or mixed, in their corporate name may sue and be sued, may have a common seal which they may alter or renew at pleasure, and generally may do all and singular the matters and things which an incorporated company may by law do.

To call meeting

Sec. 3. The said commissioners or a majority of them, after said one hundred shares of stock shall have been subscribed as aforesaid, shall give at least twenty days' notice in one or more of the newspapers of the said county of Winnebago of the time and place of the meeting of the stockholders, for the purpose of electing five directors, who shall hold their office until their successors are elected; and annually thereafter, upon the anniversary of the first election, upon notice of the place of meeting being given by the directors then in being, being published in one or more of the newspapapers in the county aforesaid, to be designated by the said directors, the said stockholders shall meet to elect directors: *Provided*, That until the first elec- Proviso.
tion of directors, the said commissioners above named, upon

the subscription of one hundred shares of s
organizing of said commissioners by the elec
of one of their number president, shall hav
ers and perform all the duties of a board of
said company, and the corporate existence o
ny shall be taken to have begun and be co
regular election of directors had taken place
of a vacancy at any time happening in the b
tors, or in the said board of commissioners
capacity of directors, the board shall have
such vacancy.

Board of directors.

Sec. 4. The affairs of said company shal
by the said directors, who shall be stockho
chosen by ballot by the stockholders, in
proxies duly authorized; and in all electio
discussion of all questions acted upon at a
the stockholders, each share of stock shall
one vote, and the majority of the votes cas
except in elections, where the five persons ha
est number of votes cast for directors shal
duly elected.

Powers.

Sec. 5. A majority of said directors sha
rum for the transaction of all business, and sha
choosing one of their number president, a
have power to appoint a secretary, and treas
other officers or agents as they shall deem fit
their compensation, and may demand adeq
for the performance of their respective trusts
move said officers and revoke the powers
at pleasure; they shall also have power to m
sary and proper by-laws, rules, and regula
management of said company, the subscri
the payment of installments thereon, the as
transfer of stock certificates, and prescribing
officers, all of which by-laws not inconsistent
stitution and laws of this state, when duly re
books of the company, shall be effectual and
the members of said company and all pers
therein, as if the same formed a part of thi
poration.

May declare stock forfeited.

Sec. 6. The said board of directors shall a
er to decide the time and manner in which s
ers shall pay installments upon their stoc
clare the forfeiture of said stock, and all pa
thereon, or failure to pay such installments a
ed for, and also to adopt in behalf of the c
linquishment of any stock subscribed, and

person or persons relinquishing the same, valid releases discharging them from all liabilities thereafter for or on account of the acts of said company or its officers.

Sec. 7. The said directors shall have power to regulate tolls, and make such covenants and contracts in the name and under the seal of said company, with any person or persons as the execution and management of the work, and the convenience and interest of the company may require, and may issue to each stockholder a certificate or certificates [of] the amount paid on such share at the time of issuing such certificate or certificates, which certificate or certificates shall be signed by the president and countersigned by the secretary of said company, and such certificate or certificates shall be transferable in the manner prescribed by the by-laws of said company. To issue certificates.

Sec. 8. The said company shall have power to locate and construct a single or double track road from the village of Oshkosh, in Winnebago county, to the village of Menasha, by the most eligible and practicable route as the directors shall decide: *Provided*, That said road shall cross the south channel of Fox River, at the point below the dam where the bridge now stands. The track of said road shall be constructed of plank, stone, gravel, charcoal, or either, in whole or in part, each at the option of the directors, so that the same when completed, shall constitute a firm, regular, and proper surface for the passage of wagons and carriages. Route of road. Proviso.

Sec. 9. It shall and may be lawful for said company, their officers, engineers, or agents to enter upon any lands for the purpose of exploring, surveying, and locating the route of said plank road, doing thereto no unnecessary damage; and when said route shall be determined by the said company, it shall be lawful for them, their agents, officers, engineers, contractors, and servants at any time to enter upon, take possession of and use such lands, not exceeding four rods in width along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor or as will be ascertained in the manner hereinafter directed: *Provided*, That in such case as may be necessary for the company to obtain gravel, or stone, or to make excavations and embankments for the construction of said road, the company may locate the route of said road, not to exceed six rods in width, and they may also cut down such trees on each side of said road as may endanger said road by falling or otherwise. May enter upon lands. Proviso.

Sec. 10. When the said corporation shall not agree

with the owner or owners of any land, gra
other material required for the construction
for the purpose thereof, or for the compensat
therefor, or when, by reason of the absence or
city of the owner or owners no such agreemer
can be made, then and in any such case it shal
any justice of the peace to issue a warrant d
sheriff or any constable of said county, not
ested, requiring him to summon a jury of ni
of said county, not interested in said proper
said justice at some convenient place at or r
erty to be valued, on a day in said warrant n
than five nor more than ten days from the
warrant; and if, at the time and place name
persons so summoned do not attend, the said
stable shall immediately summon as many as
sary, with the persons in attendance as juro
panel of nine jurors, and from them the said c
owner or owners of said property to be valued,
attorney or either of them, and if they are
person or by attorney, the sheriff or consta
him, her, or them, strike off each two of sa
the remaining five shall act as a jury of inq
ges. Before they act as such, the said justic
shall administer to each of them an oath or
that they will faithfully and impartially valu
material required for such road, and all dama
owner or owners shall sustain by reason of th
of said road, according to the best of their s
ment; whereupon the said justice and jurors
to view the said land or material so require
the evidence of the respective parties, which
tice shall reduce to writing which shall be
said justice; and the verdict of the jurors th
signed by the jurors or a majority of them, a
tice of the peace; and the said justice of th
within five days thereafter transmit the sam
of the district court of the proper county,
the same. Such inquisition shall describe th
ken or to be taken, or the boundaries of the
tion, and the value thereof as aforesaid; an
tion, when paid, together with the cost of suc
or tendered to the owner or owners, or depo
said court, shall entitle the said company to
interest in the same thus valued, as if it had
ed by the owner or owners thereof, so lo
thus valued and taken shall be used for the

How damages settled.

plank road: *Provided*, That it shall not be lawful for any justice or jury of inquest to proceed in the valuation of any such property or material in the absence of the owner or owners thereof his, her or their legal representatives, unless it be made to appear by affidavit that such owner or owners have had at least five days' notice of the time and place of meeting for the purpose of making such valuation, or unless it shall in like manner be shown that such owner or owners are under age or *non compos mentis*. Such service may be made upon the guardian or trustee, under the same restrictions as in case of owners; or if there be no guardian or trustee, the same shall be established by affidavit: *Provided*, That no such materials shall be taken if the jury shall decide that the same are essential to the owner or owners thereof. Proviso. Proviso.

Sec. 11 The directors shall have power in their discretion to construct said plank road along and upon any road or highway now or hereafter to be laid, opened, and established by the proper authorities, and of such width and in such manner as the said directors shall determine: *Provided*, That such authority shall first proceed from the supervisors of the town in which such public highway may be situated; and they may erect toll gates and exact toll from persons traveling on their road, whenever five consecutive miles are finished, or when the whole road is completed, not exceeding two cents per mile for every vehicle, sled, sleigh, or carriage drawn by two animals, and if drawn by more than two animals, one cent per mile for every additional animal; for every sled, sleigh, or carriage drawn by one animal, one cent per mile; and for every horse and rider or led animal, one cent per mile; for every score of sheep or swine, one cent per mile; and for every score of neat cattle, four cents per mile: *Provided*, That persons going to and from military parade at which they are required by law to attend, and persons going to or returning from funerals, shall be exempt from tolls. The toll gatherer at each gate when erected on said road in pursuance of this act, may detain and prevent from passing such gate, any animal or carriage subject to toll, until the toll thereon is paid. Rates of toll. Proviso.

Sec. 12. The said directors may receive from any stockholder in said company, in lieu of money for the stock subscribed by him, real or personal property, to be approved of by the said board of directors, and upon the acceptance of such security from said stockholders or any of them, the subscription of such stockholder shall be considered as paid, and certificates of stock shall be issued to May receive securities.

said stockholders in the same manner as if
in the full amount of their subscription in
shall be competent for the said stockholders
subscriptions to said stock in securities as afo
tract and to pay to said company, interest
twelve per centum, for a period not exceedi
and to execute to said company by its co
bonds, mortgages, or notes for such stock,
available for the use and benefit of said com
all subsequent holders thereof, and be transfe
in the same manner as if the same were ma
individuals, or to their order or assignee.

Penalty for damage to road.

SEC. 13. If any person shall willfully
obstruct, break, or destroy the said road to
by the said company, or any part thereof,
buildings, or fixtures, attached to or in use u
belonging to said company, such person or
fending shall each of them for every such off
to a civil suit for the recovery of damages b
ny, by an action of trespass in any court havi
jurisdiction in the county wherein the offen
been committed, and shall also be subject
and upon conviction shall be punished by fin
onment, or either, at the discretion of the co

Penalty for evading toll.

SEC. 14. Any person who shall willfu
throw down any gate on such road which m
erected in pursuance of this act, or do any da
road or forcibly or fraudulently pass such
having paid the legal toll, or to avoid the pa
legal toll, shall with his team, carriage, or an
of said road, or pass any gate thereon, or gr
thereto, and again return on said road, sha
fence forfeit a sum not exceeding ten dollars
use of said company, and also for all damage
profits of said company in an action of tresp

May increase capital stock.

SEC. 15. The directors of said company
or special meeting of the stockholders, with
a majority in amount of said stockholders,
for such increase of the capital stock of said
may be found necessary to complete said roa
tions as may have been actually commenced
an unfinished state for want of means to
same.

How charter forfeited.

SEC. 16. If said company shall not wit
from the passage of this act commence the c
said plank road, and expend three thousand d
thereon, and shall not within ten years from

this act, construct, finish, and put in operation a single or double track plank road, the rights, privileges, and powers of the said corporation, under this act, shall be null and void.

Public act.

Sec. 17. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state shall be received as evidence thereof.

Sec. 18. This act may be altered or amended by any future legislature of the state of Wisconsin.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 14, 1852.
LEONARD J. FARWELL.
[*Published June* 3, 1852.]

An Act to incorporate the Whitewater and Jefferson Plank Road Company.

Chap 334

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Commissioners.

Section 1. That S. C. Hall, J. S. Partridge, Norman Millard, Solmous Wakeley, William Birge, Rufus Cheey, Jr. Prosper Cravath, P. H. Brady, Joseph Widner, yrus Curtis, Jonas Folts, Freeman L. Pratt, Leander irge, J. E. Holmes, Alonzo Wing, Enoch G. Darling, lerrick Sawyer, H. C. Leffingwell, Nelson Fryer, N. P. arsons, S. A. Rice, Milo Jones, and Harry Ingersoll, be d they are hereby appointed commissioners under the rection of a majority of whom subscriptions may be reived to the capital stock of the Whitewater and Jefferon Plank Road Company, hereby incorporated, and they ay cause books to be opened at such times and places as ey shall direct, for the purpose of receiving subscriptions the capital stock of said company, after first giving irty days' notice of the times and places of taking such bscriptions by publishing the same in a newspaper inted in the county of Jefferson.

Capital stock.

Sec. 2. The capital stock of said company shall be fifthousand dollars, to be divided into shares of twentye dollars each, and as soon as two hundred shares of the pital stock shall be subscribed, and five per cent. thereof ually paid in, the subscribers of such stock with such ier persons as shall be associated with them for that pur-

pose, shall be and they are hereby created a body politic and corporate with perpetual the name and style of the "Whitewater Plank Road Company," and shall be capab leasing, conveying, and purchasing estate, and mixed, may sue and be sued in their co in all the courts of this state, may have a and generally may have all the privileges in to an incorporated company.

To call meeting.

Sec. 3. It shall be the duty of said com soon as practicable after the said two hundre have been subscribed, to call a meeting of ers at such time and place as they shall desi ing notices thereof in two public places in towns of Whitewater and Jefferson, and by same in a newspaper in said county of Je purpose of choosing seven directors of said c the persons then chosen shall be the first di company, and shall hold their offices for until others are chosen in their stead.

Board of directors.

Sec. 4. The affairs of said company sha by a board of seven directors, who shall be ly by ballot by the stockholders of said com time and place as the by-laws shall prescrib al meeting of said stockholders. The said be stockholders, shall appoint one of their dent and shall serve until others are elected They shall make such by-laws and regulati sistent with the constitution and laws of the and of the state of Wisconsin, as may be ne government of said company. At every me holders, each stockholder shall be entitled t every share of capital stock he shall hold, an person or by proxy duly authorized.

Powers of directors.

Sec. 5. Five directors shall constitute a transaction of business. The said directors a secretary, treasurer, and such other offic necessary, shall fix their compensation, and adequate security for the performance of t trusts. They shall have full power to decid manner in which the said stockholders shall ey due on their respective shares, not exce five per cent. in any one installment, and to use of the company the share or shares of failing to pay any installment, at a reasona less than thirty days after the time appointe ment thereof. They shall have power to re

make such contracts as the prosecution of the work and the interests of the company may require, and generally to superintend and direct all the operations and financial affairs of the company. They shall also have power to fill any vacancy which may occur in their board.

Sec. 6. The directors shall issue a certificate to each stockholder for the number of shares he or she shall subscribe for, signed by the president and countersigned by the secretary, subject, however, to all payments due and to become due thereon, which stock shall be transferable in person or by attorney, executors, administrators, guardians, or trustees, under such regulations as may be provided in the by-laws of said company. To issue certificates.

Sec. 7. The company when organized as provided in the third section of this act, shall have power to locate and construct a single or double track plank road from the village of Whitewater in the county of Walworth to the village of Jefferson in the county of Jefferson. The track of said road shall be constructed of timber and plank, charcoal, stone, or gravel, or partly of each, so as to have a hard, smooth, and even surface, equal to a plank road surface; the particular mode of building said road to be determined by the directors. Route of road.

Sec. 8. The location of the route of said road shall be determined by the board of directors, and if any part of the same be located on any public highway, they shall have power to contract with the supervisors of the town in which said road may be for the right to use the highway for the purposes of such road, and the said supervisors are hereby authorized to grant to said company the right to use any highway in their town as aforesaid. May locate road on highway.

Sec. 9. It shall be lawful for said company, their officers and agents, to enter upon any lands for the purpose of exploring, surveying, and locating the route of said plank road, doing thereto no unnecessary damage, and when said route shall have been determined, it shall be lawful for them, their agents, officers, engineers, contractors, and servants, to enter upon, take possession of, and use such lands for the purposes of said road, not exceeding four rods in width along the line of such road, and to take from any lands adjoining thereto, such earth, gravel, stone, or other materials as may be required for the construction of said road, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter directed and provided. May enter upon lands.

Sec. 10. When the said corporation cannot agree with

How damages settled.

the owner or owners of any lands or earth, gr
other materials required for the construction
for the purchase thereof, or the compensatio
therefor, or when by reason of the absence c
pacity of the owner or owners, no such agree
chase can be made, then and in any such cas
lawful for any justice of the peace of the cou
the property may lie, to issue his warrant to
any constable of said county, not directly i
quiring him to summon a jury of nine freeho
county, not interested in said property, to
convenient place at or near the property to
a day in said warrant named, not less than f
than ten days from the date of said warrant;
time and place named any of the persons
do not attend, the said sheriff or constable s
ately summon as many as may be necessary,
sons in attendance as jurors, to furnish a
jurors, and from them the said company and
owners of the property to be valued, their ag
ney, or either of them, and if they are not p
son or by attorney, the sheriff or constable, s
her, or them, strike off, each two of said ju
remaining five shall act as a jury of inquest
and before they act as such, the said justice
shall administer to each of them an oath or af
he will faithfully and impartially estimate th
tion which shall be paid to such owner or ow
lands or materials required for the constru
road, according to the best of his skill an
whereupon the said jurors shall forthwith, or
not exceeding forty days therefrom, as they m
when such adjournment may be necessary to
required notice, proceed to view the said lan
so required, and to hear the evidence of the re
ties, which the jurors shall reduce to writing
be signed by all or a majority of said juror
said justice of the peace in attendance; and
tice shall within five days thereafter transmit th
clerk of the county court of the proper county,
the same. Such inquisition shall describe the p
or to be taken, the boundaries of the land in
the compensation to be paid as aforesaid, and w
pensation shall be paid, together with the costs
sition, or tendered to the owner or owners, or d
the said court, shall entitle the said company
and interest in the land thus valued as if it h

veyed by the owner in fee simple, so long as the land thus valued shall be used for the track of said plank road: *Provided*, That it shall not be lawful for any justice and jury to proceed in the valuation of any such property or materials in the absence of the owner or owners thereof, his, her, or their legal representatives, unless it be made to appear by affidavit that such owner or owners have had at least five days' notice of the time and place of meeting for the purpose of making such valuation, or unless it shall in like manner appear that such owner or owners are under age, or *non compos mentis*, in which case service of notice may be made on the guardian or trustee, under the same restrictions as in the case of owners, or if there be no guardian or trustee, the same shall be established by affidavit; and in case such owner or owners reside out of this state, or cannot by due diligence be found therein, the notice may be given by publication for four weeks in a newspaper printed in the county where the premises are situated: *Provided further*, That in case of such disagreement the company shall not take possession of any land or material until such jury shall have first decided that the taking thereof is necessary, and in case of materials that the same are not essentially necessary to the owner or owners thereof, for his, her, or their private use. Proviso

Sec. 11. On the completion of said road or any portion of the track, not less than three miles, the company may erect one or more toll gates upon their road, but not at a less distance than three miles apart, and may demand and receive such tolls as from time to time they may think reasonable, not exceeding two cents per mile for any vehicle drawn by one or two animals, one cent for every additional animal; for every horse and rider or led animal, one cent per mile; for every score of sheep or swine, two cents per mile; and for every score of neat cattle, four cents per mile: *Provided*, That persons going to and returning from military parade, which they are required by law to attend, and persons going to and returning from funerals, shall be exempt from toll, and no toll shall be exacted of any person or persons while actually going to or returning from any religious meeting on Sunday. Rates of toll. Proviso.

Sec. 12. Any person who shall willfully break or throw down any gate on such road which may have been erected in pursuance of this act, or shall forcibly or fraudulently pass any gate without having paid the legal toll, or to avoid the payment of legal toll, shall with his team, animal, or animals, turn out of said road or pass any gate thereon, and again return thereon, shall for each offence forfeit a Penalty for damage to road.

sum not exceeding ten dollars to and for t
company, and shall also be liable for all dam

Sec. 13. If said company shall not with

How charter forfeited.

from the passage of this act, commence the
said road, or shall not within ten years have
single or double track for a distance of six m
company shall misuse or abuse any of the p
by granted, the legislature may resume the r
leges vested in said company or may establis
government of said company in the use of s

Sec. 14. The directors of said company

May increase capital stock.

nual or special meeting of the stockholders,
sent of a majority in amount of said stockh
for such increase of the capital stock of sai
may be necessary to complete said road.

Sec. 15. This act may be amended by an
lature.

J. McM. SHAFTER
Speaker of
E. B. DEAN, Jr.,
President pro tem.

Approved April 14, 1852.
LEONARD J. FARWELL.
[*Published, Ju*

Chap 335 An Act to amend an act entitled "An act to incorporate the Tw
Bay Plank Road Company."

The people of the State of Wisconsin r
Senate and Assembly, do enact as follows:

Section 1. Section four (4) of an act ent

Act amended.

to incorporate the Two Rivers and Green Ba
Company," is hereby amended so as to sub
word "twenty," in the first line of said sectio
ed act, the word "ten."

Sec. 2. This act shall be in force from an
sage.

J. McM. SHAFTER
Speaker of t
E. B. DEAN, Jr.
President pro tem.

Approved, April 14, 1852.
LEONARD J. FARWELL.
[*Published*

An Act to appropriate to H. Friend & Brothers the sum therein named. Chap 336

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to H. Friend & Brothers the sum of twelve dollars and fifty cents, in full for five gold pens, out of any money in the treasury not otherwise appropriated.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 14, 1852.
LEONARD J. FARWELL.

An Act to amend an act entitled "An act in relation to Common Schools in the city of Milwaukee," approved February 3, 1846, and to authorize the board of School Commissioners of said city to appoint a superintendent of schools and to settle with the board of a certain school district in the town of Milwaukee Chap 337

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. An act in relation to common schools in the y of Milwaukee, approved February 3, 1846, is hereby amended as to authorize the board of school commissioners of the city of Milwaukee to appoint a superintendent of schools for said city, and to fix the amount of his compensation, and to defray all necessary contingent expenses of the board, including the salary of the clerk and said superintendent. Act amended.

Sec. 2. The said board of school commissioners shall have authority to settle with the board of a certain school district in the town of Milwaukee, over a part of which district the limits of said city have been extended by "An act to consolidate and amend the act to incorporate the city of Milwaukee and the several acts amendatory thereof," approved February 20th, 1852. Commissioners may settle with certain district.

Sec. 3. This act shall take effect from and after its passage, and all acts and parts of acts contravening the provisions of this act, are hereby repealed.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 14, 1852.
LEONARD J. FARWELL.

[*Published, June 3, 1852.*]

Chap 338 An Act to provide for the maintenance of the County Poor of W

The people of the State of Wisconsin Senate and Assembly, *do enact as follows:*

Supervisors to have charge of paupers.

SECTION 1. That from and after the passa the board of supervisors of Waukesha count are hereby authorized to make such disposit to the support or maintenance of paupers, this [state] chargeable to said county, as the most advisable, and it shall be the duty of make all proper provision for the care and su paupers.

SEC. 2. The board of supervisors of said any annual meeting or special meeting called

May levy tax.

pose, levy and cause to be collected on th and personal property of such county, a tax two mills on the dollar in any one year, for purchasing or hiring a suitable farm and dwe necessary stock and implements for the mana same, or any other expense the said board cessary for the proper disposition, regulatio of all county paupers now chargeable or tha ter be by law chargeable to said county of W

J. McM. SHAFTER

Speaker of

E. B. DEAN, JR.

President pro tem.

Approved April 14, 1852.

LEONARD J. FARWELL.

[*Published*

Chap 339 An Act to repeal a part of a Joint Resolution in relation to the proc missioners to construct the Mississippi and Grant River Canal 25th, 1847.

The people of the State of Wisconsin r Senate and Assembly, *do enact as follows:*

Part of resolution repealed.

SECTION 1. That so much of the joint re lation to the acts and proceedings of the con construct the Mississippi and Grant river can January 25th, 1847, as authorizes James commissioner of said work, to proceed in the

of the funds which may be hereafter applicable to said work, be and the same is hereby repealed.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 14, 1852.
LEONARD J. FARWELL.
[*Published, June* 9, 1852.]

An Act to provide for the completion of the Improvement of the Fox and Wisconsin Rivers.

Chap 340

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. For the purpose of providing for the completion of the improvement of the Fox and Wisconsin rivers and of the canal to unite the said streams, the lands granted by congress and remaining unsold by the state, estimated to be about two hundred thousand acres, shall be selected and brought into market, and the minimum price at which said lands shall be sold shall not be less than two dollars and fifty cents per acre, except as hereinafter provided: *Provided however*, That said lands shall not be disposed of except as said improvements progress, that is, so much of said lands may be sold as will produce the sum of twenty thousand dollars; and the sales shall then cease until the Governor shall certify the fact to the president of the United States, that one-half of said sum has been expended upon said improvement, when a further sale may be made of a sufficient quantity to reimburse the amount expended, and then the sales shall progress as the proceeds thereof shall be expended, and the fact of such expenditure certified in the manner hereinbefore mentioned.

Lands to be brought into market.

Proviso.

Sec. 2. Every person who may enter at private sale any of said lands, shall be entitled to the terms of payment as follows, to wit: one-tenth of the purchase money to be paid at the day of sale, and the interest on the balance of the purchase money, at the rate of seven per cent. per annum, to the first day of January following; the balance of the principal to be paid in ten equal annual installments, with like interest payable in advance, at least thirty days prior to the first day of January in each year, at the treasury of the state land office: *Provided*, That nothing herein shall prevent any purchaser from paying the whole balance of purchase money at any time, if he

Terms of payment.

Proviso.

chooses so to do. And if any person residing has made improvements upon any of said la claiming the same by pre emption, shall desi whole amount of purchase money at the tin his entry of the lands claimed by him, he sha to enter the same at one dollar and twenty-f acre: *And provided further*, That the regis a certificate upon such sale setting forth the t ditions thereof, which shall have the same fo and no other, and be liable to forfeiture in th ner as certificates issued under the twenty-fo title eight of the revised statutes, by the com school and university lands.

Treasurer to make returns of sales.

Sec. 3. It shall be the duty of the tre state land office to make monthly returns on of each month, to the state treasurer, of th lands sold, and the amount of moneys receiv month preceding the date of such report, an day of January in each year and quarterly t register shall transmit to the secretary of st copies of all certificates of sale granted by payments made upon said certificates, except and interest paid at the time of sale, shall be state treasury, and it shall be the duty of th the state land office to pay into the state treas or oftener if directed so to do by the Governo all moneys received by him except the on purchase money upon such sales.

How money appropriated.

Sec. 4. The moneys arising from sales of vided in this act, and payable into the state cept so much thereof as may be deemed ne board of public works to complete the navi canal and upper Fox river between the W and Lake Puckaway, shall be set apart as a distinct fund, for the purpose of paying int redeeming the stock certificates hereinafter n shall be applied from time to time upon the Governor, to the payment of the interest on tificates as the same shall become due, and fo tion of the said certificates as the same may and for the redemption of said certificates as come redeemable, and for the payment of curred in preparing, issuing, and paying sai and the said fund shall be and remain inviol and appropriated to the purposes aforesaid

Proviso.

certificates shall be fully paid: *Provided*, T time there shall be a surplus of moneys in

which may not be required for immediate application to the interest or principal sums due on said certificates, the Governor is hereby authorized to direct the same to be invested in such manner as may by law be provided for the investment of school funds, or may apply such surplus to the purchase of the stock certificates issued in conformity with the provisions of this act.

Sec. 5. The secretary of state under the direction of the Governor, shall cause stock certificates to be prepared of such denominations, payable at such place, and at such limited periods not exceeding ten years from the date thereof, as he may deem expedient, and bearing interest at the rate of twelve per cent. per annum, payable on the first day of January in each year. The said certificates shall be in the following or equivalent form:

STATE OF WISCONSIN.

IMPROVEMENT FUND CERTIFICATE.

Form of certificate.

State Department,
Madison, ————, 18—.

This certificate entitles ———————— or —— bearer to receive —— dollars, on the ——— day of —— 18—, and the interest thereon at the rate of twelve per cent. per annum, on the first day of January in each year, until the time when the principal sum will be payable at ————; and for the redemption thereof and the payment of interest thereon, the moneys arising from the sales of land granted by congress to the state of Wisconsin in aid of the improvement of the Fox and Wisconsin rivers, and to connect the same by a canal in said state, and the revenues of said improvement are pledged and appropriated in and by an act of the legislature of said state, entitled "An act to provide for the completion of the improvement of the Fox and Wisconsin rivers," approved April —, 1852, without any other pledge or liability on the part of the state.

In testimony whereof the secretary of state, in conformity with the provisions of said act, has hereunto set his hand and affixed the great seal of the state.

L. S.

Done at Madison this — day of ——, 18—.

Such stock certificates shall be signed by the secretary of state, and countersigned by any transfer agent who may be appointed by the Governor to negotiate the same.

Sec. 6. The Governor is authorized to sell the said stock certificates or to deliver the same in payment of any sums

How certificates disposed of.

due or to become due to any contractor upo
ment, upon the proper vouchers from the
works, showing the amounts so due, but no
be disposed of at less than its par valu
whole amount of such certificates to be iss
ity with the provisions of this act, exceed
hundred thousand dollars; and in the app
moneys to be received on sales of said certi
any other source, preference shall be given
according to the date of their several contr

Certificates heretofore issued, redeemable in 1861

Sec. 7. The certificates heretofore issue
Martin, and numbered from one to fifty-tw
hereby made redeemable on the first day of
and shall be payable out of the fund creat
visions of this act.

Warrants receivable in payment for lands.

Sec. 8. All warrants heretofore issued
public works, and the stock certificates issu
of the provisions of this act, shall be rec
ment for the lands heretofore mentioned b
improvement fund, at the office where such

Proceedings for pre emption in case lands are occupied as town site.

Sec. 9. Whenever any portion of said
or shall be settled upon and occupied as a
therefore not subject to entry under any ex
tion law of this state, it shall be lawful in
shall be incorporated, for the corporate aut
and if not incorporated, for the judge of t
for the county in which such town may be
ter at the state land office at said minimu
dollars and fifty cents per acre, the land s
cupied, in trust for the several use and ben
pants thereof, according to their respectiv
said corporate authorities or said judges a
be, are hereby authorized and required to
accurate surveys of said towns to be ma
out lots, in conformity as nearly as may be
present surveys, and so as best to accomm
interest; to cause said surveys, duly certifi
ed in the office of the register of the proper
execute conveyances to the different perso
to according to said survey, subject to all s
and subject to the payment in advance of
all costs and charges for such entry, surv
conveyance, the execution of which trust,
of any conflicting interests, shall be subject
cision of the judge of the circuit court of t
ty sitting as a court of equity, on the appl
tion or bill in chancery of any person or pe

erein and feeling aggrieved by the decision of said unty judge or corporate authorities: *Provided*, That the try and payment of the land intended by this section be ade prior to the commencement of the public sale (next llowing) of the body of land in which it is included, and at the entry shall include only such land as is actually cupied by the town, and be made in conformity to the gal subdivisions of the public lands, and shall not in the iole exceed three hundred and twenty acres. Proviso.

Sec. 10. In case the military reserve at Fort Winnego shall be granted to the state in aid of said improvent, it shall be the duty of the board of public works to use the same to be subdivided into lots of such dimens as may be deemed most for the interest of the state, d such lots shall be sold at public sale to the highest lder. Military reserve

Sec. 11. All the lands mentioned in this act shall be ject to taxation as soon as the same shall have been d. Lands subject to taxation.

Sec. 12. It is hereby made the duty of the board of blic works to commence the work of improvement of navigation of the Wisconsin river the present season l to prosecute the same until it shall be completed, acding to the plan submitted in the report of the chief eneer for the year 1849, or in such other manner as shall best calculated to open a channel through the several s mentioned in said report; and in order to carry into ct the provisions of this section, the one-sixth of the ils of the fund arising from the sales of land granted congress in aid of the improvement of the Fox and sconsin rivers, is hereby set apart for that purpose, or nuch thereof of the said one-sixth as shall be necessary omplete said improvement according to the plan sub-ed by said engineer. How improvement completed.

Sec. 13. All acts and parts of acts contravening the isions of this act, are hereby repealed.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

State of Wisconsin, }
In Senate, April 9th, 1852. }

certify that the foregoing act was this day returned by Governor to the Senate, (in which it originated,) with objections, and that after the same had been entered rge upon the journal, and reconsidered, the vote being

taken by yeas and nays, two-thirds of the members present agreed to pass the same, as follows: yeas, thirteen; nays, five.

JOHN K. WILLIAMS,
Chief Clerk of the Senate.

State of Wisconsin, }
In Assembly, April 14th, 1852. }

I certify that the foregoing act was this day reconsidered in the Assembly, and approved, the vote being taken by yeas and nays, as follows: yeas, thirty-nine; nays, eighteen.

ALEXANDER T. GRAY.
Chief Clerk of Assembly.

[*Published April* 17, 1852.]

An Act authorizing the borrowing of money on the faith and credit of the State to defray the extraordinary expenditures.

Chap 341

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. For the purpose of defraying extraordinary expenditures, a loan of fifty thousand dollars is hereby authorized and required to be made on the faith and credit of the state in the form hereinafter specified and for the following purposes, to wit: to pay the expenses not yet paid of the present session of the legislature; to pay the appropriations now made and unpaid for the maintenance and furnishing of the asylum for the blind; for part payment of the printing of the laws and journals of the present legislature; for territorial indebtedness; for the the keeping of state prisoners, and to pay such appropriations as may be made for the expenditures incurred in the erection of the state prison and for the maintenance of the same.

Loan authorized

Governor to prepare bonds.

Sec. 2. The governor, as soon as practicable after the passage of this act, shall cause to be prepared state bonds with coupons attached, of the state of Wisconsin, printed in blank, for the sum of one thousand dollars each, to the number of fifty, and shall execute the same as the executive of the state for and on behalf of the state, and cause the great seal of the state to be affixed thereto. Said bonds to be made payable at such place within the state of Wisconsin, or at the city of New York, as may be deemed for the best interest of the state, five years from the first day of April, 1852, at a rate of interest not exceeding eight per cent. per annum, payable annually at such place as the principal of said bond is made payable, the interest on said coupons be-

ing payable on the first day of April 1853, 1854, 1855, and 1856; the principal on said bonds to become due on the first day of April, 1857.

Governor to negotiate bonds.

Sec. 3. The said bonds and coupons, when so executed, the governor shall negotiate as soon as practicable within this fiscal year for the purposes expressed in this act, and as the same can be negotiated to the best advantage of the state: *Provided*, That the said money arising from the sales of said bonds and coupons attached, shall be deposited with the treasurer of the state and be applied by him for the purposes specified in this act.

Proviso.

Annual tax levied.

Sec. 4. An annual tax of one-fifth of one mill on the dollar valuation, shall be and is hereby levied upon the taxable property in the state for the years 1852, 1853, 1854, 1855, and 1856, to be collected in addition to and with the state tax levied annually to provide for the current expenditures of the state, and a sufficient amount of the proceeds of said tax is hereby appropriated annually to pay the said interest to become due on the first day of April of the years 1853, 1854, 1855 and 1856.

How tax levied for payment of principal.

Sec. 5. A state tax shall be, and is hereby levied for the year 1856, which shall be collected in addition to and with the other state taxes for the same year, said tax to be a sum of money sufficient to pay the amount of principal of the bonds aforesaid and the interest to become due on the first day of April, 1857; and unless the legislature, at their session preceding the collection of any of the said taxes to pay the interest and the principal of said loan, shall make provision to levy and collect such annual tax, in addition to and with the other state taxes, it shall be duty of the secretary of state then in office, to apportion such tax among the several counties, in proportion to the taxable property therein, as ascertained from the last returns made to him by the clerk's of the several boards of supervisors, and shall before each annual session of such board of supervisors, make out and transmit to each clerk thereof the amount of such tax so apportioned to his county, and shall in such case charge to each county the amount apportioned to the same, and each such county shall be liable for the payment into the state treasury, by the second Monday of February next succeeding, for the amount so charged to the same.

How interest paid.

Sec. 6. Whenever the proceeds of any tax authorized by this act shall be insufficient to pay the interest on said principal sum coming due, then and in such case the treasurer shall pay the same out of any funds in the treasury not otherwise specially appropriated; and it shall be the

duty of said treasurer to forward the amoun
principal to become due, to the place whe
are made payable.

Further legislation.

SEC. 7. The legislature may from time
laws for the purpose of more effectually car
provisions of this act in regard to the taxes ;
erty liable to taxation in any year for gener
ses, shall be liable to taxation under this a

Proviso.

That nothing herein contained shall prevent
from declaring from time to time what pro
liable to taxation.

SEC. 8. The faith of the state is hereby
ry out the provisions of this act.

SEC. 9. This act shall take effect from an
sage.

J. McM. SHAFTE
Speaker of
E. B. DEAN, JR.,
President pro tem.

Approved, April 14, 1852.
LEONARD J. FARWELL.
[*Published*

Chap 342

An Act to appropriate to James Halpin the sum there

The people of the State of Wisconsin, r
Senate and Assembly, do enact as follows :

SECTION 1. There is hereby appropriated
pin, out of any money in the state treasury
appropriated, the sum of two hundred and
lars and fifty cents, in full for his services as
governor's department, and for taking care o
offices in the capital, and for taking care of
ty during the present session of the legislatu

J. McM. SHAFTE
Speaker of
E. B. DEAN, JR.
President pro tem.

Approved, April 16, 1852.
LEONARD J. FARWELL.

An Act to appropriate to Billings & Carman the sum therein named. **Chap 343**

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

SECTION 1. There is hereby appropriated to Billings & Carman, out of any money in the state treasury not otherwise appropriated, the sum of fifteen dollars and fifty cents in full for making stairway in the capital and repairing the seal of the secretary of state, as per account rendered March 24th, A. D. 1852.

J. McM. SHAFTER.
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved, April 16, 1852.
LEONARD J. FARWELL.

An Act to appropriate to D. Casey the sum therein named. **Chap 344**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to D. Casey, out of any money in the treasury not otherwise appropriated, the sum of forty-nine dollars and ninety-cents in full for costs in the following entitled suits, to wit: State vs. Edward Pearmain, State vs. Martin Moulster, State vs. Henry Redford, State vs. Garret Vleit, State vs. Israel W. Porter, State vs. John Fisher, State vs. George W. Skinner, State vs. Henry Skinner, State vs. John A. Messenger, State vs. Richard Short, State vs. Joel Haynan, State vs. William Denny, State vs. Major Pratt, State vs. Howard Hansbury, State vs. J. C. Schuyler, State vs. Philip Schuyler, State vs. Alonzo Cushing, State vs. John Foltz, and State [vs.] Joseph Webb.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, April 16, 1852.
LEONARD J. FARWELL.

Chap 345 An Act to appropriate to John White the sum therein

The people of the State of Wisconsin re Senate and Assembly, do enact as follows:

Section 1. That there is hereby appropri White the sum of one hundred and twenty-f full for boarding Patrick Marony, Seth Roge fy, Ambrose W. Barnard, and John Myers, s from January 1st, to January 12th, 1852, an tal expenses in removing state prisoners fro to Waupun, and for service of pardons and tificates to Madison, for David Bonham, Ma Augustus Lawson, Balze Conrad, and Josep of any money in the state treasury not oth priated.

J. McM. SHAFTER
Speaker of t
E. B. DEAN, Jr.,
President pro tem. o

Approved, April 16, 1852.
LEONARD J. FARWELL.

Chap 346 An Act to appropriate to M. N. Moulthrop, late sheriff of Winneb sum of money.

The people of the State of Wisconsin Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriate money in the treasury not otherwise appro N. Moulthrop, late sheriff of Winnebago co of twenty-two dollars and fifty cents, in full case of the State vs. Winnebago county.

J. McM. SHAFTER
Speaker of
E. B. DEAN, Jr.
President pro tem.

Approved, April 16, 1852.
LEONARD J. FARWELL.

Chap 347 An Act to appropriate to H. L. Page, under sheriff of Milwaukee cou named.

The people of the State of Wisconsin r Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated under sheriff of Milwaukee county, the su seven dollars and fifty-eight cents, ($97 58,)

count against the state for serving papers by order of the attorney general, from the first of December, 1851, to the first of March, 1852, to be paid out of any money in the state treasury not otherwise appropriated.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 16, 1852.
LEONARD J. FARWELL.

An Act to appropriate to James Campbell the sum therein named. **Chap 348**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to James Campbell, out of any money in the treasury not otherwise appropriated, the sum of fifty-one dollars and eighty-eight cents, in full for carpenter work done and material found, in making repairs in and about the capitol, up to March 26, 1852.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 16, 1852.
LEONARD J. FARWELL.

An Act to appropriate to N. W. Dean the sum therein named. **Chap 349**

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Section 1. There is hereby appropriated to N. W. Dean, out of any money in the treasury not otherwise appropriated, the sum of thirteen dollars and sixty-three cents, in full for bill of sundries up to March the 11th, 1852.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 16, 1852.
LEONARD J. FARWELL.

Chap 350 An Act to appropriate to Weed & Eberhard a certain sum of

The people of the State of Wisconsin rep
Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to We
hard the sum of fifty-four dollars, ($54,) out of
in the treasury not otherwise appropriated, in fu
ing census reports, and for assembly journal
April 3d, 1852.

J. McM. SHAFTER,
Speaker of the
E. B. DEAN, JR.
President pro tem. of

Approved, April 16, 1852.
LEONARD J. FARWELL.

Chap 351 An Act to appropriate to Dean & Ruggles the sum therein n

The people of the State of Wisconsin repr
Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated
Ruggles, out of any money in the treasury not
appropriated, the sum of seven dollars and
cents, in full for account to March 25th, 1852.

J. McM. SHAFTER,
Speaker of the
E. B. DEAN, JR.
President pro tem. of

Approved, April 16, 1852.
LEONARD J. FARWELL.

Chap 352 An Act to appropriate to Beriah Brown a certain sum of mo

The people of the State of Wisconsin repr
Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated
Brown, out of any money in the state treasury no
appropriated, the sum of two thousand seven hu
sixty-nine dollars and eighty-seven cents, in fu
dental printing done for both branches of the
up to the twentieth day of February, 1852.

J. McM. SHAFTER,
Speaker of the
E. B. DEAN, JR.,
President pro tem. of

Approved, April 16, 1852.
LEONARD J. FARWELL.

An Act to appropriate to Williams & Bonnell the sum therein named.

Chap 353

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to Williams & Bonnell, out of any money in the treasury not otherwise appropriated, the sum of two hundred and sixty-one dollars and eighty-seven cents, in full for balance due for their furnaces and appendages erected in the capitol.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 16, 1852,
LEONARD J. FARWELL.

An Act to appropriate to David Holt, Jr., the sum of money therein named.

Chap 354

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to David Holt, Jr., the sum of one hundred and six dollars and twenty-five cents in full of account for stationery furnished the state from the eighth of February, 4851, to the twelfth day of February, 1852, out of any money in the treasury not otherwise appropriated.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 16, 1852.
LEONARD J. FARWELL.

An Act to appropriate to A. P. Thompson the sum therein named.

Chap 355

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to A. P. Thompson the sum of ten dollars, for five days' services in making out statistics of the number of blind in the state in the year 1850, and delivering the same to the principal of the Wisconsin Institute for the Education of the Blind,

out of any moneys in the treasury not other
priated.

J. McM. SHAFTER,
Speaker of the
E. B. DEAN, Jr.
President pro tem. of

Approved, April 16, 1852.
LEONARD J. FARWELL.

Chap 356

An Act to appropriate to H.B. Tousley, the Assignee of Erastus Cornin
in named.

The people of the State of Wisconsin re
Senate and Assembly do enact as follows:

Section 1. There is hereby appropriated to
lee, assignee of Erastus Corning, out of any
treasury not otherwise appropriated, payable o
eth day of June next, the following sums, to
bond, number fifty-three, of one thousand dol
the twentieth day of June, A. D. 1851, the
thousand dollars; also, the sum of two hundr
five dollars, being the amount of interest due o
also, the sum of forty dollars and ninety-two
terest due on coupons, attached to said bond.

Sec. 2. It shall be the duty of the treas
payment of this appropriation, to take up and
bond and coupons.

J. McM. SHAFTER,
Speaker of th
E. B. DEAN, Jr.,
President pro tem. of

Approved April 16, 1852.
LEONARD J. FARWELL.

Chap 357

An Act to appropriate to Elisha Starr, a certain sum of

The people of the State of Wisconsin re
Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriate
Starr, out of any money in the treasury not
propriated, the sum of twelve dollars, in full

expenses incurred in going to Milwaukee to serve subpœna on C. R. Alton, March 22, 1852.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 16, 1852.
LEONARD J. FARWELL.

An Act for the relief of Mathew Short and S. Hart.

Chap 358

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That the price of lot number twenty-eight, in township number fifteen north, of range number seventeen east, in the south-west quarter of section number sixteen, and containing ten acres of school and university lands, in Fond du Lac county, and sold to Mathew Short and S. Hart, be, and is hereby reduced to twelve dollars per acre. Price of land reduced.

Sec. 2. That the commissioners for the sale of school and university lands, are hereby authorized and empowered to execute to said Mathew Short and S. Hart a new certificate of purchase for said tract of land, at the reduced price mentioned in section one, and the state treasurer is hereby required to refund to said Short and Hart the amount of percentage and interest paid by them over twelve dollars per acre, out of the income of the school fund. To execute a new certificate.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved April 16, 1852.
LEONARD J. FARWELL.

An Act for the relief of Isaac Tompkins.

Chap 359

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That the price of lot number twenty-seven, in township number fifteen north, of range number seventeen east, in the south-west quarter of section number sixteen, and containing ten acres of school and university lands, in Fond du Lac county, and sold to Isaac Tompkins, be and is hereby reduced to twelve dollars per acre. Price of land reduced.

To execute a new certificate.

SEC. 2. That the commissioners for the and university lands are hereby authorized a to execute to said Isaac Tompkins a new cert chase for said tract of land at the reduced pri in section one, and the state treasurer is he to refund to said Tompkins the amount of pe interest paid by him over twelve dollars pe the income of the school fund.

J. McM. SHAFTER,
Speaker of
E. B. DEAN, JR.
President pro tem.

Approved, April 16, 1852.
LEONARD J. FARWELL.

Chap 360

An Act to appropriate to Isaac Spencer the sum therei

The people of the State of Wisconsin, r Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated cer the sum of forty-five dollars in full for b services rendered as appraiser of school a lands in the county of Crawford, to be pai moneys in the state treasury arising from t school lands comprised in the sixteenth sec ships.

J. McM. SHAFTER,
Speaker of
E. B. DEAN, JR.
President pro tem.

Approved, April 16, 1852.
LEONARD J. FARWELL.

Chap 361

An Act to incorporate the Village of Waukesha, in the Count

The people of the State of Wisconsin r Senate and Assembly, do enact as follows:

Limits of village

SECTION 1. The inhabitants of the distri included within the following limits and b township number six north, of range number in the county of Waukesha, to wit: beginning west corner of the east half of the south-we section number three (3;) from thence due line to the town line; from thence east on sa north-east corner of the town plat of "Prairie from thence south on the line of said village

of Main Street, in said village; from thence westerly, following the centre of said street until it intersects the highway; (or what is now used and fenced as such, running from said strreet south through the lands of Henry Bowron;) from thence, following the centre of said highway until it strikes the line running north and south through the centre of the north-west quarter of section number two; (2;) from hence on said line to the south line of section two; (2;) rom thence west to the place of beginning, are hereby cre-ted a body corporate and politic by the name and style of ie "President and Trustees of the Village of Waukesha," nd by that name shall be capable of contracting and be-g contracted with, of suing and being sued, pleading id being impleaded, answering and being answered un- in all courts and places, and in all matters whatsoever, ith power of purchasing, receiving, holding, occupying, d conveying real and personal estate, and shall have a mmon seal, and may change the same at pleasure, and all be competent to have and exercise all the rights and ivileges, and be subject to all the duties and obligations rtaining to a municipal corporation.

Sec. 2. The government of said corporation and the ex-ise of its corporate powers and management of its Government. al, prudential, and municipal concerns shall be vested a president and six trustees, and such other officers as hereinafter provided for.

Sec. 3. The elective officers of said corporation shall Officers. one president, six trustees, one marshal, one treasurer, l two assessors, to be elected by the qualified voters reof at the annual election of said corporation, to be d on the first Tuesday of May in each year, and shall d their respective offices for one year, and until their cessors are chosen and qualified.

Sec. 4. At the first election, and at all subsequent elec-s of officers in said corporation, every person residing Electors ein, qualified to vote for town officers in the town in ch said corporation is situated, and shall have resided he ward twenty days next preceding the election at ch he may offer his vote, shall be entitled to vote in ward for any officer required to be elected by this and the person or persons having the highest number otes, shall be declared duly elected. Whenever any on shall present himself to give his vote, and either ne judges shall suspect that such person does not pos-the qualifications of an elector, or if his vote shall be lenged by an elector, the judges of election or some of them, before receiving the vote of any such

person, shall require such person to take an oath that he possesses the qualifications prescribed in this section of this act, and that he has not voted at such election. If the person offering to vote shall take such oath, his vote shall be received; and if any person shall take such oath knowing it to be false, he shall be deemed guitly of willful and corrupt perjury, and on conviction thereof, shall suffer such punishment as is now or shall hereafter be provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in the ward in which he does not reside, or shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding fifty dollars, nor less than twenty-five dollars, to be recovered in the same manner as other penalties are recovered under this act.

Officers.

Sec. 5. At the first and every subseqent election, the electors shall vote for one president, six trustees, one marshal, one treasurer, and two assessors.

How elections conducted.

Sec. 6. The supervisors of the town of Waukesha, shall, at least twenty days previous to the first election of officers in said village, appoint the time and place of holding such election, and appoint the judges and clerks thereof, and shall give notice of such appointments ten days previous to such election, by publishing the same in a newspaper printed in said village; and after the first election, it shall be the duty of the president and trustees to provide the places of holding elections in said village, and to appoint the judges and clerks thereof, provide for making and directing the returns of elections, the time and manner of opening the returns and making an abstract thereof, and of keeping a journal of the same, and may make such other arrangements concerning said election as may be lawful and convenient for the citizens of said village.

Supervisors to determine elections.

Sec. 7. The supervisors of the town of Waukesha shall determine who shall have been properly elected at the first election, and the chairman of the board of supervisors of said town shall administer the oath of office to the first president, and such president shall administer the oath of office to all the trustees and other officers. who have been declared to be duly elected; all subsequent elections shall be determined by the president and trustees, and the new president may in every case be sworn into office by his predecessor, and he may administer the oath of office to all newly elected officers. In case of a tie between two candidates at any election, the election of one

the other of them shall be determined by lot, in the esence and under the direction of the president and istees.

Sec. 8. The president shall preside at all meetings of e trustees, keep the seal of the said corporation, sign all mmissions, licenses, and permits which may be granted the trustees; he shall maintain peace and good order d see that the ordinances of the village are observed d executed. He shall have power to administer oaths affirmations, and to take and certify acknowledge- nts of deeds and other instruments in writing; as a judi- l officer, he shall have concurrent jurisdiction with jus- es of the peace of the county of Waukesha, of all cases the violation of any ordinance of said village, and en presiding at the meeting of the trustees, he shall ve a casting vote, when the votes of the members are ual. Duty of president.

Sec. 9. The president and trustees shall prescribe the e and fix the place of holding their meetings, which ll at all times be open to the public, shall determine the es of their proceedings, and keep a journal thereof, ch shall be open to the inspection of every citizen, at reasonable times and hours; shall have power to pre- e order and propriety in their proceedings, and may pt such by-laws, rules, and regulations for their own ernment as are not inconsistent with the provisions of act, and shall have power to compel the attendance s members. To fix place of meeting.

Sec. 10. The president, each and every trustee, mar- each and every justice of the peace and constable of own of Waukesha, shall be officers of the peace, and command the peace and suppress in a summary man- all rioting and disorderly behavior, in a manner con- ct with the ordinances of said village, within the lim- ereof, and for such purpose may command the assis- of all by-standers, and if need be, all citizens; and y person shall refuse to aid in maintaining the peace so required, every such person shall forfeit and pay fine as may be prescribed by ordinance of the vil- in such case provided. Officers of the peace.

Sec. 11. The marshal shall possess all the powers and all the rights of a constable in the town of Wauke- nd be subject to the same liabilities; it shall be his o execute and return all writs and process to him di- by the president, and when necessary in criminal or for the violation of any ordinance of said village y serve the same in any part of the state of Wiscon- Duties of marshal.

sin. It shall be his duty to suppress all riot and breaches of the peace, to apprehend persons in said village, and pursue and ar fleeing from justice in any part of the stat to apprehend any person in the act of com fence against this state or the ordinances and forthwith to bring such person before thority for examination; and for such serv ceive like fees as are allowed to constables Said marshal shall execute and file with th for the faithful performance of his duty, t by the trustees.

Duties of treasurer.

Sec. 12. The treasurer of said village such duties and exercise such powers as fully required of him by the ordinances all moneys raised, received, recovered, a means of any tax, license, fine, forfeitur under the authority of this act, or wh said village, shall be paid into the village shall not be drawn therefrom except by signed by the president and countersigned order of the trustees. Such order shall spe of money to be drawn and its object. He s and accurate account of all moneys and ot ing into his hands as treasurer, in a book by the trustees for that purpose, which s property of the village, wherein he shal when, the person from whom, the amount sums received, and the source from whence respectively arose; which said books at times, shall be open to the inspection of th village; he shall, as often as the trustee render to said trustees a minute account of payments, and at the expiration of his ter shall hand over to his successor all mon vouchers in his possession, belonging to s shall, before he enters upon the duties of h to the president and trustees a bond for charge of his duties, to be approved by the bond shall be at least in double the amoun raised for the year in which he was elected

Duties of clerk.

Sec. 13. The clerk shall be appointed he shall perform such duties and exercise may be lawfully required of him by the rection of the trustees, who shall fix hi therefor, not exceeding the sum allowed services.

Sec. 14. Every officer elected in said village, shall, within ten days after he shall be notified of his election, take and subscribe the oath of office prescribed by the constitution, and file the same with the clerk, and in case of his omission to do so, be shall be deemed to have refused to serve, and his place shall be filled in the manner prescribed in this act. Oath of office.

Sec. 15. Special meetings may be called by the clerk of said village, by order of the trustees thereof, by giving ten days' notice thereof in the newspaper of the village. Every notice of a special meeting shall state the objects for which such meeting is called. Special meeting.

Sec. 16. Any vacancy in the office of president, trustee, marshal, treasurer, or assessor, may be filled at a special meeting called in the manner prescribed in the preceding section. May fill vacancies.

Sec. 17. The president and trustees shall have power to enact, establish, publish, enforce, alter, modify, amend, or repeal all such ordinances, rules, and by-laws for the government and good order of the village, for the suppression of vice, for the prevention of fires, and for the benefit of trade and commerce, and for the health thereof, as they may deem expedient, declaring and imposing penalties, and to enforce the same against any person who may violate any of the provisions of such ordinances, rules, or by-laws; and such ordinances, rules, and by-laws, are hereby declared to be, and to have the force of law: *Provided*, That they be not repugnant to the constitution and law of the United States and of this state, and May make by-laws.

Proviso.

those purposes, shall have authority by ordinance or by-laws, to organize fire companies, hook and ladder companies, to regulate their government and the time and manner of their exercise, to provide all necessary apparatus for the extinguishment of fires, to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared to be appurtenances to the real estate, and exempt from seizure, distress, or sale, in any manner; and it the owner shall refuse to procure suitable ladders or fire buckets, after reasonable notice, the trustees may procure and deliver the same to him, and in default of payment therefor, may recover of the said owner the value of such ladder or fire buckets, or both, with costs of suit; to regulate the storage of gunpowder and other dangerous materials, to direct the safe construction of a place for the deposit of ashes, to appoint one or more fire wardens, to enter into, at reasonable times, and examine all dwelling houses, lots, yards, enclosures, and

buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such as may be dangerous to be put in a safe condition, to regulate the manner of putting up stoves and stove pipe, to prevent fires and the use of fire works and fire arms within the limits of said village, or such part thereof as they may think proper, to compel the inhabitants of said village to aid in the extinguishment of fires, and to pull, break down, and raze such building in the vicinity of the fire as shall be directed by the trustees or any four of them who may be at the fire, for the purpose of preventing its communication to other buildings, and any buildings so destroyed shall be paid for by the corporation, to construct and preserve reservoirs, pumps, wells, and other water works, and to regulate the use thereof, and generally to establish other measures of prudence for the prevention or extinguishment of fires as they may deem proper. Second, to prevent, abate, and remove nuisances, and take such measures for the public health as they may deem proper, and compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous houses or places, to cleanse, remove, or abate the same, from time to time, as often as it may be deemed necessary for the health, comfort, and convenience of the inhabitants of the village. Third, to license and regulate the exhibitions of common showmen, or shows of any kind, or the exhibition of any natural or artificial curiosities, caravans, circuses, or theatrical performances, under the ordinances or common law. Fourth, to restrain and prohibit all descriptions of gaming, and fraudulent devices and practices and all playing of cards, dice, or other games of chance, for the purpose of gaming in said village. Fifth, to prevent any riots, noise, disturbance, or disorderly assemblages, suppress and restrain disorderly houses, or groceries, or houses of ill fame, shows, and exhibitions. Sixth, to direct the location and management of all slaughter houses and markets. Seventh, to prevent the encumbering the streets, side walks, alleys, or public grounds, with carriages, carts, wagons, sleighs, boxes, lumber, fire wood, or other materials or substance whatever. Eighth, to prevent horse racing, immoderate driving or riding in the streets, and to regulate the places of bathing and swimming in waters within the limits of the village. Ninth, to restrain the running at large of cattle, swine, sheep, horses, and other animals, and to authorize the distraining and sale of the same, or to impose a fine not exceeding five dollars for ev-

General powers

ery such animal found so going at large in violation of the laws of the village. Tenth, to prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances, or to impose a tax on the same. Eleventh, to prevent any person from bringing, depositing, or having within said village any putrid carcass, or any unwholesome substance, and to require the removal of the same by any person who may have upon his premises any such substance, or any putrid or unwholesome beef, pork, fish, hides, or skins of any kind, and in default to authorize the removal thereof by some competent officer at the expense of such person or persons. Twelfth, to establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the returns of the bills of mortality, and to exempt burying grounds, set part for public use from taxation. Thirteenth, to provide for the security and protection of bridges. Fourteenth, to prevent all persons riding or driving any horse ox, mule, cattle, or other animal on the side walks in said village, or in any way doing any damage to such side walk. Fifteenth, to restrain drunkards, immoderate drinking, or obscenity, in the streets or public places, and provide for arresting, removing, and punishing any person or persons who may be guilty of the same. Sixteenth, to regulate the police of the village, to appoint watchmen and firemen, prescribe their duties, and punish their delinquencies. Seventeenth, to protect trees and monuments in the village. Eighteenth, to provide for cleaning out of Fox river of drift wood and other obstructions in said village. Nineteenth, To establish the grade of all streets in said corporation, and to appoint a surveyor and prescribe his duties, and fix his compensation not to exceed the pay allowed by law to others for like services.

Penalties.

Sec. 18. In all cases in relation to which by the provisions of this act, the president and trustees have power to enact or pass ordinances or by-laws in relation to any object, they may prescribe any penalty for the violation of such ordinances, or by-laws, not exceeding fifty dollars for any one offence, in violation or non-observance thereof, and may also provide that in default of payment of any judgment rendered for such violation or non-observance, the offender may be imprisoned for such term as they may by such ordinance direct, not exceeding forty days, for which purpose the said village shall have the use of the jail of Waukesha county, for the imprisonment of any person liable to be imprisoned, and all persons committed

to said jail by the marshal or any other
under the charge of the sheriff of said cou

Sec. 19. On all suits for the violation o

Process. of the village, the process may be by
shall be sufficient without setting forth th
to declare generally in debt with reference
under which the action is brought; the defe
the general issue, and give the special ma
and a printed copy of an ordinance publ
paper or pamphlet by authority of the t
prima facie evidence of the passage an
such ordinance.

Sec. 20. Every execution issued upo
the violation or non-observance of any
Execution to contain clause for imprisonment. law of said village, shall contain a clause
event of non-payment of the judgment, t
of the defendant in the county jail for su
have been provided for by the ordinance
judgment shall have been rendered; all
and forfeitures when collected, shall be pa
ury of said village.

Sec. 21. Any ordinance, regulation,
imposing any penalty or forfeiture for the
What ordinances to be published. provisions, shall be published one week i
per printed in said village, before the sa
force, and proof of such publication by
printer or foreman in the office of such n
such publication may have been made, sha
evidence of the publication and promulga
dinance, regulation, rule, or by-laws, in
places.

Sec. 22. No person shall be an incomp
Inhabitant not incompetent juror. tice, witness, or juror, by reason of his bei
of said village, in any action or proceedin
village is a party or interested.

Sec. 23. The trustees shall have powe
street commissioner; to lay out, open, and
grade, pave, or otherwise improve streets,
Powers of trustees. alleys, sewers, and side walks and cross
the public property of the village; to dir
cution and defence of suits in which said
a party; to procure the necessary blank bo
and such other stationery as may be requ
purposes; to audit and allow all lawful
said village, and to draw an order on the t
payment of the same; to determine the c
the president, clerk, marshal, treasurer,

street commissioner, subject to the provisions of this act; to levy and collect taxes on all such property as shall be subject to town and county taxes: *Provided*, That in any one year the taxes for corporation purposes shall not exceed one per cent. on the assessed valuation of taxable property in said village, unless two-thirds of the electors of said village voting at a meeting legally called for that purpose, shall vote to allow a larger sum to be raised; but in no case shall the electors be allowed to raise more than two per cent. on the assessed valuation as aforesaid.

Accounts to be audited.

Sec. 24. No account or claim against said village shall be paid until it shall have been presented to the trustees thereof, and audited and allowed by them, and when any such account shall be so audited, the trustees so auditing the same shall endorse thereon or annex thereto, a certificate subscribed by them, of such auditing, and of allowing or disallowing the same, in which the sum allowed, if any, and the charges for which the same was allowed, shall be specified.

Affidavit attached to account.

Sec. 25. No such account or claim shall be audited or allowed by the trustees until it shall be made out in items, and shall be accompanied with an affidavit of the person claiming to have done the services or made the disbursements therein charged, that the several items of the account or claim are correct, that the services therein charged have been rendered, that the disbursements therein charged have been made, and that no part thereof has been paid; such affidavit shall be endorsed on, or annexed to such account or claim, and presented and preserved therewith. Any one of the trustees, when such account or claim shall be presented to them, may administer the oath required in this section: and the said trustees may examine the claimant on oath, as to the items in such account or claim.

How last section construed.

Sec. 26. Nothing in the last preceding section shall be construed to prevent the trustees from allowing any account or claim in whole or in part, when so made out and verified, nor from requiring other or further evidence of the correctness and reasonableness thereof.

Record of claims.

Sec. 27. Every account or claim against said village presented to the trustees in any year shall be numbered from number one upwards, in the order in which it shall be presented, and a memorandum of the time of presenting the same, the name of the person in whose favor it shall be made out, and of the person by whom it shall be presented, shall be entered in the records of the proceedings of the trustees.

Of warrants.

SEC. 28. Every warrant drawn by the t
any account or claim, shall refer to such
number, the name of the person in whos
made out, and the time when it was pre
memorandum of such reference, and of the
warrant, shall be entered in such records be
rant shall be delivered to the claimant.

Trustee not to allow claims.

SEC. 29. No trustee shall allow or subs
cate of the allowance of any item in any ac
against said village, which said village shall
bound to pay, or for the payment of whic
lawfully raise money therein by tax; nor
tee sign any warrant for the payment of an
or claim, or any part thereof.

How account paid.

SEC. 30. No such account or claim shall
by the treasurer, on the warrant of the trus
on or annexed to the account or claim for wh
drawn.

Account to be filed

SEC. 31. Whenever any such account or
paid, it shall, together with the affidavit p
with to the trustees, the certificate of auditin
the same, and the warrant drawn for the pa
be filed and preserved in the treasurer's off

Not to borrow money.

SEC. 32. Said village shall have no po
money, nor shall it be liable to pay money l
account or advanced in its behalf, by its
other person, nor shall any of its money or
plied to any such purposes, nor shall said vi
debt or liability in any year, greater than
tax allowed by this act to be raised in said
year in which such debt or liability was inc

May provide for paving streets.

SEC. 33. Whenever two-thirds of all the
ers of real estate bounding both sides of any
of street, not less than sixteen rods in leng
lage, shall desire to have such street graded
erwise improved, they may make and sign
in writing to the board of trustees of said v
ing in such application the sum necessary t
that purpose; and the said trustees shall lev
be collected, such sum by tax on all the ow
tate, on lots on such street or part of street
be levied on the last assessed valuation of
and lots, exclusive of improvements, respe
same shall appear in the assessment roll of

Side walks.

SEC. 34. When two-thirds of all the resi
real estate and lots bordering on one sid
street or part of street, shall desire to hav

built or repaired, the application for that purpose shall be made to the trustees by such owners, and the tax for building or repairing such side walk shall be levied as prescribed in the preceeding section.

How taxes collected.

Sec. 35. Whenever the trustees shall levy any tax for the purpose of grading, paving, or otherwise improving any street, or for the building or repairing of any side walk, they shall make out and deliver to the street commissioner such tax to be collected and expended, a list of persons, and a description of the property taxed; and thereupon the said street commissioner shall notify the persons named in such tax list, by publishing a notice in some newspaper published in said village, and shall specify in such notice a time or times not less than twenty days nor more than forty days from the date thereof, when the persons charged with taxes in such list, may pay their taxes in labor, materials, or money; and the persons charged with such tax may at such time and place as may be required by such street commissioner, pay their taxes in labor or materials: *Provided*, The labor and materials offered in payment for such taxes are suitable, and such as may be required by said street commissioner.

Proviso.

When tax list returned.

Sec. 36. At the expiration of forty days from the time the said street commissioner shall have received such tax list, he shall return the same to the trustees, accompanied by a statement verified by his affidavit subscribed thereon, showing the amount of tax collected in labor and materials, and the amount collected in money, and the manner in which such money was expended, and the items of expenditures; also the taxes which remain unpaid, and the persons and descriptions of real estate or lots, to which such unpaid taxes stand charged.

Unpaid taxes to be entered in the next assessment roll.

Sec. 37. The trustees, in making out the duplicate assessment roll of said village, next thereafter, shall enter such unpaid taxes therein in a separate column, with twelve per cent. interest added thereto, opposite the names of the persons and description of property against which the taxes so remain unpaid; and such taxes shall be collected in the same manner as the general taxes of said village are collected; and when so collected shall be paid over to a street commissioner on the order of the trustees, to be expended on the street or side walk for which they were originally assessed.

When amount of taxes to be determined.

Sec. 38. The trustees shall, between the first Tuesday in May and the second Monday in June in each year, determine the amount of general tax necessary to be assessed and collected in said village the current year. The as-

sessors shall, within the time above limited,
erty subject to taxation, and shall on or
Monday of June in each year, deliver to th
tees of said village a full and complete roll
roll shall exhibit the description and value
umns, of the lands, lots, and all other prope
with tax, in the said village respectively, to
names of the owners thereof, so far as the s
certained. The assessor shall receive for
compensation to be fixed by the by-laws
which shall not exceed the compensation a
assessors for similar services.

Appeal from assessment.

Sec. 39. Whenever the said assessment
been delivered to the board of trustees as m
preceding section, such board of trustees
direct their clerk to give public notice, by
same in some newspaper published in said
completion of such roll by the assessor, and
said notice the time when, and the place
trustees will meet to hear appeals from the
such assessor; on any such appeal being
trustees, they shall have power to alter a
assessment roll, and the said trustees shall
equalize the taxes in such assessment roll.

Trustees to levy tax.

Sec. 40. When such assessment roll
completed, the trustees shall cause to b
amount of tax as shall have been determin
and shall set opposite to each description a
taxable property, the amount of tax char
property, and to each person respectively,
tax list shall have been so completed, they
cause a true copy thereof to be made, and
nexed thereto, and deliver such tax list and
marshal of said village as hereinafter pro
original assessment roll and tax list shall be
the treasurer of said village.

By whom warrant signed.

Sec. 41. The warrant annexed to any ta
to the marshal as aforesaid, shall be signe
dent and countersigned by the clerk of sai
the absence of the president, such warrant
by a majority of the trustees; such warrant
the marshal to collect the taxes mentioned i
in sixty days, and pay over the same to th
said village, and make return of said warr
treasurer; the trustees may renew the warr
any tax list, for thirty days, when they sha
essary, but any such warrant shall be so ren

Marshal to give notice.

Sec. 42. Upon the receipt of the tax list aforesaid, it shall be the duty of the marshal to give public notice in a newspaper published said in village, that such tax list has been committed to him for collection, and that he will receive payment for taxes at his office for the term of forty days next ensuing such notice; and all taxes paid during said forty days, shall be subject to a deduction of five per centum upon the amount paid.

When to collect tax by sale of goods.

Sec. 43. If the taxes are not paid to the marshal within the said term, he may then proceed to collect the same by distress and sale of the goods and chattels of the person charged, giving six days' notice of the time and place of such sale, by written notices, set up in three public places in said village.

Marshal to pay money to treasurer.

Sec. 44. It shall be the duty of such marshal within the time prescribed in any such warrant for the return thereof, to pay over all sums collected by him to the treasurer of said village, and to return such warrant to the said treasurer with his return thereon written, subscribed by him, and specifying any such sum or sums of money not collected by him, by reason of his being unable to find property in said village, out of which he could collect the same; and if any sum be returned, not collected by him, his return shall be accompanied by his affidavit that the facts therein stated are true.

When to sell lands.

Sec. 45. In case the tax on any lot or other parcel of land shall remain unpaid on the first day of October, it shall be the duty of the treasurer, within ten days thereafter, to make out a general advertisement, stating that all lots or other pieces of land, upon which the taxes have not been paid, will be sold by him at a certain time and place therein mentioned, for the purpose of paying the taxes which may be assessed thereon, together with all costs and other liabilities which may accrue by advertisement and sale agreeable to the provisions of this act. Said advertisement shall be published three weeks successively in a newspaper published in said village.

How sale conducted.

Sec. 46. On the day and at the time and place mentioned in the notice, the treasurer shall commence the sale of lands and lots, and continue the same from day to day, until so much thereof shall be sold as will pay the taxes, interest, and charges due, assessed, and charged thereon, agreeably to this act, and the treasurer shall give to the purchasers of any lot or lots of land, a certificate of the lots or lands purchased, stating the sum paid therefor, including fees and the time the purchaser or purchasers will be entitled to a deed.

To file statement

SEC. 47. Said treasurer shall immediate close of any such sale of lots or lands for tax the office of the clerk of said village, all affid and papers in relation to such tax sale, to be fi fice of said clerk; also a statement containing description of each lot or parcel of land so specifying the name of the person to wh amount for which the same was sold, and the owner, if known; and the said treasurer an record such statement in a book kept for tha each of them, in their respective offices.

When to make conveyance of land.

SEC. 48. If the person claiming the title t parcels of land so sold and described in said c en by the treasurer, shall not, within two ye date thereof, pay to the treasurer for the us chaser, his heirs or assigns, the sum mentione tificate, together with the interest thereon, twenty-five per centum per annum, from the certificate, the treasurer shall, at the expiratio years, execute to the purchaser, his heirs or a veyance of the lots or parcels of land so sol veyance shall vest in the person or persons t same shall be given, an absolute estate in fee the said conveyance shall be evidence that regular according to the provisions of this such conveyance executed by the treasurer, un and the seal of said corporation, in the nam half of said village, and the execution there and acknowledged as by law in other cases p be given in evidence and recorded in the same with like effect as a deed regularly acknowl

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grantor may be given in evidence and recorde That in case of assessment of taxes in gross u or piece of land, the treasurer, upon the appli claimant or owner of a part thereof, either di divided, shall receive the taxes on such part, ment or redemption, with the interest and cha proportionate to the quantity of such lot or tr ed or owned, and the remainder of such taxes, charges, shall be a lien only on the remainde or piece of land.

Lands to be advertised.

SEC. 49. In all cases, before lands shall as aforesaid, the treasurer shall advertise the correct description thereof, for three months, i paper published in said village, stating that

or parcels of land will be forfeited, if the taxes, interest, or charges upon the same are not paid before the day mentioned in such notice.

Fees.

Sec. 50. All lots or lands which shall be advertised for sale for non-payment of taxes, shall be subject to a charge of three cents for each lot or piece of land so advertised, for the first advertisement, and each lot or piece of land which shall be sold as aforesaid, shall be chargeable with the following fees: for each certificate to be given to a purchaser of any lot of land at such sale, twelve and one-half cents; for certifying the amount necessary to redeem any lot or piece of land, twelve and one-half cents; and one dollar for each conveyance executed in pursuance of this act; the said fees to be paid by the person receiving such instrument. The charge for advertising the forfeiture of a piece of land, shall be ten cents for each lot or parcel.

Interest on taxes

Sec. 51. If any person who shall purchase any lot in pursuance of this act, shall pay any tax returned subsequent to such purchase, on such lot or piece of land, shall pay to the treasurer the amount of tax with interest, at the rate of twenty-five per centum per annum, for the benefit of the purchaser.

Where road taxes expended.

Sec. 52. All taxes levied and collected by the trustees of said village for the purpose of repairing, grading, or improving roads, streets, or alleys in said village, shall be expended within the limits of each ward respectively in which the same has been assessed and collected.

Street commissioner to superintend grading of streets.

Sec. 53. The street commissioner of said village shall, under the direction of the president and trustees, superintend the grading, paving, and improving of streets, and the building and repairing of side walks, and the expenditures of taxes levied and collected for such purposes, and shall receive such compensation for his services as shall be allowed by the trustees under the provisions of this act.

Statement of expenditures.

Sec. 54. Within ten days next preceding every annual election, the trustees of said village shall cause to be published in some newspaper published in said village, a statement which shall show the name of every person who shall have had an account or claim allowed by them, the amount of such account or claim as presented, the amount allowed, and a brief statement of the nature of the demand. The first statement so published, shall embrace all accounts allowed to the time of publishing, from the time of the incorporation of said village, and each subsequent statement shall embrace all accounts allowed to the time of publish-

ing, from the time of publishing the last pr
ment.

Proof of publication.

Sec. 55. The affidavit of the printer or o
in his office, of the publication of any notice
the provisions of this act to be published, sha
as proof of the publication of such notice in
places.

Neglect not to suspend corporation.

Sec. 56. If any election provided for in t
for any cause not be held at the time prescr
not be considered a sufficient reason for arres
ing or absolving the said corporation, but such
be held at any time thereafter, by order of th
of the town, otherwise by order of the trustee
lage, of which time ten days' public notice sh
and further, if any of the duties enjoined by
time herein specified, or specified by any ordi
village, are not then done, the trustees of sai
appoint another time upon which the said d

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done: *Provided*, That the officers so failin
such duties at the time required, shall be liab
actions, fines and penalties, as they would h
not said power been conferred upon or exc
trustees.

May appoint officers.

Sec. 57. The trustees shall have power t
at their pleasure to remove, the following offi
One chief engineer of the fire departments,
dens, and as many assistant wardens as the
time to time deem necessary, one surveyor, c
weights and measures, sextons and keepe
grounds and a street commissioner, and prese
ties and fix their compensation, under the
this act, and to impose and enforce in law s
as to the said trustees may seem proper, fo
sance or improper conduct of any of said o
require bonds for the faithful performance of

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such of them as may be deemed expedient
by the trustees: *Provided*, That trustees sh
power to pay themselves any compensation
vices.

Quorum.

Sec. 58. A majority of the trustees shall
for the transaction of business, but a less num
and adjourn from time to time, until a quo
present, but shall do no other business; and
of the president, five trustees being present
number may be appointed chairman, *pro tem*

Sec. 59. This act may be altered, amended or repealed by the legislature.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved April 16, 1852.
LEONARD J. FARWELL.
[*Published May 27, 1852.*]

An Act to incorporate the Northern Wisconsin Mutual Insurance Company. **Chap 362**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. Lucas M. Miller, Joseph Jackson, John Bannister, George F. Wright, J. H. Kimberly, and their associates and all such persons as shall hereafter have property insured by the said company, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The Northern Wiscosin Mutual Insurance Company." Created a body corporate.

Sec. 2. The said corporation hereby created shall have power and authority to make contracts of insurance with person or persons or any body corporate or politic, against losses by fire of any houses, stores, or other buildings whatsoever, or of any goods, chattels, or personal estate whatsoever, for such term or terms of time and for such premium or consideration, and under such modifications and restrictions as may be agreed upon between the said corporation and the person or persons agreeing with them for such insurance. Power to make insurance.

Sec. 3. Every person who shall at any time become interested in said company by insuring therein, and also his heirs, executors, administrators, and assigns, continuing to be insured therein, as hereinafter mentioned, shall be deemed and taken to be members thereof for and during the terms specified in their respective policies and no longer, and shall at all times be included and bound by the provisions of this act, and the property and concerns of said corporation shall be managed and conducted by a board of thirteen directors, and that L. M. Miller, Joseph Jackson, Theodore Conkey, Owen Hughes, D. B. Whitacre, David P. Mapes, David Evans, John Bannister, J. H. Kimberly, Walter H. Weed, Edward Eastman, George F. Wright, and John Smith, shall be the first directors of said corporation and shall continue in office for the term of one year and until others shall be chosen, and no longer. The Members

directors shall be elected on the first Mond
in each year, at such hour of the day, a
Oshkosh, in the county of Winnebago, an
consin, as the board of directors for the ti
appoint; of which election public notice sh
one or more of the public newspapers print
at least thirty days preceding such election,
tion shall be holden under the inspection of
not being directors, to be appointed previou
tion, by the board of directors, and such e
made by ballot, and by a plurality of the
members then present, or their proxies, allo
for every hundred dollars each member sha
in said company, and every member may v
by proxy at his pleasure, at any election
said company, and his membership shall be
the records and entries in the office of the se
company, and no oath shall be administere
ber offering to vote in person, or required
to his appointment when offering to vote by

Sec. 4. The directors hereinbefore name
as may be after the passing of this act, and

To choose officers.

be chosen at such annual elections shall, as
thereafter, proceed to choose out of their bo
to be president; and in case of the death,
inability to serve, of the president or any d
corporation, such vacancy may be filled for
of the year, by the board of directors; and
absence of the president, the board of direc
power to appoint a president *pro tem.*, who
exercise such powers and functions as the
corporation may provide.

Sec. 5. If it shall at any time happen t
of directors shall not be made on any day,

When election not held on day fixed, may be held at any other time.

to this act, it ought to have been made, th
tion shall not for that cause be deemed t
but it shall be lawful on any other day, to
an election of directors in such manner as s
regulated by the by-laws and ordinances
ration.

Sec. 6. The policies of insurance and

Acts binding on company.

founded thereon, hereafter to be made or e
said corporation, though not under seal, if
the president, or in case of his absence, res
ability to act, by such officer or officers, or
sons as may be for that purpose authorized
incorporation or by-laws of said corporation

signed by the secretary, shall be binding and obligatory upon the said corporation, and shall have the like force and effect to all intents and purposes, as if the seal of said corporation had been or was affixed thereto, and further, all such policies or contracts may be so signed and attested, and all other business of said corporation may be conducted and carried on by committees or otherwise, without the presence of a board of directors, and shall be binding and obligatory on the said corporation, if the same be done under or in conformity to the by-laws and ordinances of said corporation.

May assign policy.

Sec. 7. In case any person or persons insured, named in any policy or contract of insurance, made by said corporation hereby created, shall sell or convey, or assign the property insured, during the time for which it is insured, it shall be lawful for such insured to assign and deliver to the purchaser or purchasers such policy or contract of insurance, and such assignee or assignees shall have all the benefit of such policy or contract of insurance, and may bring and maintain a suit thereon in his, her, or their own names, *Provided*, That before any loss happens, he, she, or they, shall obtain the consent in writing of said corporation to such assignment, and have the same endorsed or annexed to the said policy of insurance.

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May hold real estate.

Sec. 8. It shall and may be lawful for said corporation to take and hold any real estate *bona fide* mortgaged to the said corporation, by way of security for the payment of any debts which may be contracted with the said corporation, and to proceed on the said mortgaged securities for the recovery of the moneys thereby secured, either in law or equity, in the same manner as any other mortgagee is or shall be authorized to do, and also to purchase on sales made by virtue of any proceeding at law, or any order or decree of any court of equity, or any other legal proceeding, or otherwise receive and take any real estate in payment of, or toward the satisfaction of any debt previously contracted and due to the said corporation, and to hold the same until they can conveniently and advantageously sell and convert the same into money or other personal property.

Members to be indemnified for loss.

Sec. 9. The said directors and such others as may be chosen by the said corporation, shall be indemnified and saved harmless by the members of said corporation, in proportion to the amounts of property that each and every member may have insured, at and after the rates of insurance of such property by the said corporation, in and for their giving out and signing policies of insurance and

other lawful acts, deeds, and transactions
formed in pursuance of this act, and neit
directors shall be answerable for or char
faults, neglects or misdeeds of others of th

Property pledged to company.

Sec. 10. Every member of said compa
hereby is bound to pay his proportion of
expenses accruing in and to said company
ings insured by said company, together wi
tle, and interest of the insured to the land
stand, shall be and hereby are pledged t
and said company shall have a lien thereo
sured, during the continuance of his, her,
to the amount of the premium note dep
company and no more; the lien to take
the said company shall cause to be filed in
register of deeds of the county where the
sured a memorandum of the name of the
sured, and a description of the property; th
to exceed one hundred dollars.

Evidence of assessment.

Sec. 11. Whenever any assessment is m
mium notes given to the said company for a
by said company, or as consideration for a
sued or to be issued by said company,
brought for the recovery of such assessm
cate of the secretary of said company spe
sessment and the amount due to said co
note. by means thereof, shall be taken
prima facie evidence thereof in all cou
whatsoever.

Misdemeanors.

Sec. 12. Any person who, as secretary,
ry, or clerk of said company, shall be guilty
falsehood or fraud, in the certificate authori
enth section of this act, shall be guilty of
any person who shall personate or falsely a
said secretary, deputy, or clerk, to any
shall be guilty of a misdemeanor; any p
person at any election of directors of said
shall falsely personate another, shall be gu
meanor; and any person who shall falsel
the name of any person or member of this
appointment of a proxy, shall be guilty of

Penalty.

Sec. 13. Any person convicted of
or for any offence under this act, shal
to imprisonment in the county jail for a te
ing six months, or to pay a fine not exceed
or to both such fine and imprisonment, at t
the court before whom he or she may be co

Sec. 14. The president and directors of said corporation shall have power to appoint such officers and agents as they may find necessary, prescribe their duties, and require bonds for the faithful performance thereof, and may from time to time, adopt such by-laws and regulations for the business of said company as they may deem expedient; such by-laws and regulations not to be inconsistent with the constitution and laws of the United States or of this state; and such by-laws shall determine as near as practicable the rates of insurance on the different classes of property, and the sums to be deposited for any insurance. Powers.

Sec. 15. The directors, before they execute any of the duties of their office except choosing a president, shall severally take an oath or affirmation that they will faithfully, diligently, honestly, and impartially perform the duties of their respective offices according to the best of their abilities. To take oath.

Sec. 16. The operations and business of the Northern Wisconsin Mutual Insurance Company shall be carried on in the village of Oshkosh, state of Wisconsin, and this act shall take effect from and after its passage. Location.

J. McM. SHAFTER.
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 16, 1852.
LEONARD J. FARWELL.

[*Published, June* 9, 1852.]

An Act to set apart and incorporate the County of Kewaunee.

Chap 363

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. All that tract of country lying and being within the following described boundaries, to wit: commencing at a point on the west shore of lake Michigan, where the north line of township twenty-one (21) intersects said shore; running thence west, on the north line of said township twenty-one (21) to the north-west corner of township twenty-one (21) north, of range twenty-three (23) east of the fourth principal meridian, running thence north on the range line between ranges twenty-two (22) and twenty-three (23) till it strikes the east shore of Green Bay; thence north-easterly along the shore of said bay to a point where the same intersects the south line of township twenty-six; (26) running thence east on the south line of said town- County limits.

ship twenty-six (26) to the west shore of la
shall be and is hereby set apart and organiz
constitute a county, with all the rights and
other counties, and shall hereafter be kno
otherwise by the name and style of Kewaun

SEC. 2. The county hereby organized sha
to Manitowoc county for judicial purposes, a
Attached to Manitowoc. being, shall constitute one town for all town
shall be known by the name of the town
and under such name shall be entitled to
and privileges given by existing laws to oth
state.

First election. SEC. 3. The first election in said town sh
the residence of John Volk, near the mouth
nee river, on the first Tuesday of April n
such town and other officers as they are re
to elect, and, from any cause said election
held as above provided, it shall be lawful
qualified electors of said town to call an ele
ing ten days' notice of the time of holdin
posting notices in three of the most public
town.

Expenses to be paid to Manitowoc. SEC. 4. Said county shall pay to the co
towoc annually, all expenses incurred by
Manitowoc, in transacting the legal busines
or criminal of the said county of Kewau
amount so paid shall not, in any event,
fifty dollars per annum, and such sum or s
may be sued for and collected from the coun
nee, by the supervisors of the county of Ma
action of debt, in any court of competent j

County officers. SEC. 5. At the first town meeting held in
electors of said county of Kewaunee shall v
officers, and the county officers then elect
their offices until the first day of January
their successors are elected and qualified.

SEC. 6. The register of deeds (under th
the supervisors of said county of Kewaunee)
and qualified is hereby authorized to procu
Records to be transcribed. fice of the register of deeds in Brown cou
all deeds mortgages, assignments, satisfa
contracts, and all other instruments filed
his office, which may in any way effect th
land or lands lying and being situate in s
Kewaunee, and the expense of transcribing
shall be paid by the county created by virt

Sec. 7. No judgment lien now existing on any real estate, within the limits of the county hereby organized, shall lapse or be impaired by reason of any change of jurisdiction herein provided. Judgments to continue.

Sec. 8. The seat of justice of said county of Kewaunee is hereby temporarily located at the village of Kewaunee, at or near the mouth of Kewaunee river. County seat.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 16, 1852.
LEONARD J. FARWELL.
[*Published June* 15, 1852.]

An Act to incorporate the Taycheedah and Green Bay Plank Road Company.

Chap 364

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That James D. Doty, N. P. Tallmadge, Daniel Whitney, August Heyssen, William R. Tallmadge, Charles Grisse, John W. Whenfield, Charles Doty, Benjamin F. Moore, Layton Dick, John W. Quinney, Edgar Conklin, Daniel H. Whitney, Edwin H. Smith, Isaac S. Tallmadge, and John B. Macy, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Taycheedah and Green Bay Plank Road Company, hereby incorporated, and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days' notice of the times and places of receiving such subscriptions, by publishing the same in one or more newspapers printed in each county, if any, through which the road may pass. Commissioners.

Sec. 2. The capital stock of said company shall be seventy-five thousand dollars, in shares of twenty-five dollars each, and as soon as two hundred and fifty shares of the capital stock shall be subscribed and five per cent. of the amount thereon actually paid in or secured to the said company, the subscribers of such stock, with such other persons as they shall thereafter associate with them for that purpose, their successors and assigns, shall be and they are hereby created and declared a body corporate and politic by the name, style, and title, of the "Taycheedah and Green Bay Plank Road Company," with perpetual succes- Capital stock.

General powers. sion, and by that name shall be capable
chasing, holding, selling, bargaining, and co
real, personal, or mixed, in their corporate
and be sued, may have a common seal which
or renew at pleasure, and generally may do
lar the matters and things which an incorpo
may by law do.

To call meeting. Sec. 3. The said commissioners or a ma
after said five hundred shares of stock sh
subscribed as aforesaid, shall give at least
notice in one or more newspapers, if any, i
counties through which the road may pass,
place of the meeting of stockholders for
electing seven directors, who shall hold th
their successors are elected, and annually t
the anniversary of the first election, upon
place of meeting being given by the directo
ing, being published in one or more newspa
said, to be designated by the said directors,

Proviso. holders shall meet to elect directors: *Prov*
til the first election of directors, the said
above named, upon the subscription of five
of stock and the organizing of said commi
election by them of one of their number
have all the powers and perform all the dut
of directors for said company, and the corp
of said company shall be taken and held
and be complete as if a regular election o
taken place, and in case of a vacancy at an
ing in the board of directors, or in the said
missioners acting in the capacity of direct
shall have power to fill such vacancy.

Sec. 4. The affairs of said company sha

Each share of stock entitled to one vote. by the said directors, who shall be stockh
chosen by ballot by the stockholders in pers
duly authorized, and in all elections, and in
of all questions acted upon at any meetin
holders, each share of stock shall be entitle
and the majority of the votes cast shall gov
elections, where the five persons having the
ber of votes cast for directors shall be decla
ed.

Powers of directors. Sec. 5. A majority of said directors sh
rum for the transaction of all business, and
by choosing one of their number president,
have power to appoint a secretary and treas
other officers or agents as they shall deem fi

their compensation, and may demand adequate security for the performance of their respective trusts, and may remove said officers and revoke the powers of such agents at pleasure; they shall also have power to make all necessary and proper by-laws, rules, and regulations for the management of said company, the subscription of stock, the payment of installments thereon, the assignment and transfer of stock certificates, and prescribing the duties of officers, all of which by-laws not inconsistent with the constitution and laws of this state, when duly recorded in the books of the company, shall be effectual and binding upon the members of said company, and all persons interested therein, as if the same formed a part of this act of incorporation.

Sec. 6. The said board of directors shall also have power to decide the time and manner in which said stockholders shall pay installments upon their stock, and to declare the forfeiture of said stock and all prior payments thereon, for failure to pay such installments as may be called for, and also to adopt in behalf of the company a relinquishment of any stock subscribed, and execute to the person or persons relinquishing the same, valid releases, discharging them from all liabilities thereafter, for [or] on account of the acts of said company or its officers. May declare stock forfeited.

Sec. 7. The said directors shall have power to regulate calls, and to make such covenants and contracts in the name and under the seal of said company, with any person or persons, as the execution and management of the work, and the convenience and interest of the company may require; and may issue to each stockholder a certificate or certificates for the shares which he, she, or they subscribe for, stating in the body of such certificate or certificates the amount paid on such share at the time of the issuing of such certificate or certificates, which certificate or certificates shall be signed by the president and countersigned by the secretary of said company, and which certificate or certificates shall be transferable in the manner prescribed by the by-laws of said company. To issue certificates.

Sec. 8. The said company shall have power to locate and construct a single or double track road from the village of Taycheedah in Fond du Lac county, to the town of Green Bay in Brown county, by the most eligible and practicable route, as the directors shall decide. The said company shall also have power to extend the said road, and to build branches therefrom whenever they may deem it expedient, and to increase the capital stock of the company to three hundred thousand dollars. The track of said road shall Route of road.

be constructed of plank, stone, gravel, charc
in whole or in part, each at the option of the
that the same when completed, shall constitu
ular, and proper surface for the passage of w
riages.

May enter upon lands.

Sec. 9. It shall and may be lawful for
their officers, engineers, and agents, to en
lands for the purpose of exploring, surveying
the route of said plank road, doing thereto n
damage, and when said route shall be deter
said company, it shall be lawful for them, th
ficers, engineers, contractors, and servants,
enter upon, take possession of, and use such
ceeding four rods in width along the line
subject, however, to the payment of such co
the company may have agreed to pay theref
be ascertained in the manner hereinafter dir
ded, That in such places as may be necessary

Proviso

pany to obtain gravel and stone, or to mak
and embankments for the construction of
company may locate the route of said road
six rods in width, and they may also cut do
on each side of said road, as may endanger
falling or otherwise.

How damages settled.

Sec. 10. When the said corporation sh
with the said owner or owners of any land, gr
other material required for the construction
for the purpose thereof, or for the compensa
therefor, or when by reason of the absence
pacity of the owner or owners, no such agre
chase can be made, then, and in any such cas
lawful for any justice of the peace to issue
rected to any sheriff or constable of said co
rectly interested, requiring him to summon
freeholders of said county not interested in s
to meet said justice at some convenient pla
the property to be valued, on a day in said w
not less than five nor more than ten days fro
said warrant; and if at the time and place n
the persons so summoned do not attend, the
constable shall immediately summon as man
necessary with the persons in attendance as
nish a pannel of nine jurors, and from them
pany or the owner or owners of the property
their agent or attorney, or either of them, an
not present in person or by attorney, the she
ble shall for him, her, or them, strike off eac

jurors, and the remaining five shall act as a jury of inquest of damages. Before they act as such the said justice of peace shall administer to each of them an oath or affirmation that they will faithfully and impartially value the land and material required for such road, and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantages the same will be to the owner or owners according to the best of his skill and judgment; whereupon the said justice and jurors shall proceed to review the said land or material so required, and to hear the evidence of the respective parties, which the said justice shall reduce to writing, which shall be signed by the said justice, and the verdict of the jurors thereon shall be signed by the jurors or a majority of them, and by the justice of the peace; the said justice of the peace shall within five days thereafter, transmit the same to the clerk of the district court of the proper county, who shall file the same; such inquisition shall describe the property taken or to be taken, by the boundaries of the land in question, and the value thereof as aforesaid, and such valuation when paid, together with the cost of such inquisition, or tendered to the owner or owners, or deposited with said court, shall entitle the said company to the estate and interest in the same as valued, as if it had been conveyed by the owner or owners thereof, so long as the land thus valued and taken shall be used for the track of said plank road: *Provided*, that it shall not be lawful for any justice and jury of inquest to proceed in the valuation of any such property or material in the absence of the owner or owners thereof, or, her, or their legal representatives, unless it be made to appear by affidavit, that such owner or owners have had at least five days' notice of the time and place of meeting for the purpose of making such valuation, or unless it shall be in like manner be shown that such owner or owners are under age or *non compos mentis*, such service of notice may be made upon the guardian or trustee, under the same restrictions as in the case of owners, or if there be no guardian or trustee, the same shall be established by affidavit: *Provided*, That no such materials shall be taken, if the jury shall decide that the same are essential to the owner or owners thereof. Proviso

Sec. 11. The directors shall have power in their discretion to construct said plank road along and upon any road or highway now or hereafter to be laid, opened, and established by the proper authorities, and of such width, and in such manner as the directors shall determine: *Pro-* May construct road on highway.

vided, That such authority shall first prove to proceed from the supervisors of the town in which such public highway may be situated; and they may erect toll gates and exact toll from persons traveling on their road, whenever one mile is finished, or when the whole road is completed, not exceeding two cents per mile for every vehicle, sled, sleigh, or carriage drawn by two animals, and if drawn by more than two animals, one cent per mile for every additional animal; for every sled, sleigh, or carriage drawn by one animal, one cent per mile: for every score of sheep or swine, one cent per mile; and for every score of neat cattle four cents per mile: *Provided*, That persons going to and from military parade at which they are required by law to attend, and persons going to and returning from funerals, shall be exempt from tolls. The toll gatherer at each gate, when erected on said road in pursuance of this act, may detain and prevent from passing such gate an animal or carriage subject to toll, until the toll thereon is paid.

Rates of toll.

Proviso.

May receive property on subscriptions.

Sec. 12. The said directors may receive from any stockholder in said company, in lieu of money, for stock subscribed by him, real or personal property to the approval of the said board of directors, and upon the acceptance of such security from said stockholders, or any of them, the subscription of such stockholder shall be considered as paid and certificates of stock shall be issued to said stockholder in the same manner as if he had paid in the full amount of his subscription in money; and it shall be competent for said stockholders paying their subscriptions to said stock in securities as aforesaid, to contract and to pay to said company, interest at the rate of twelve per centum per annum, for a period not exceeding ten years, and to execute to the said company, by its corporate name, bonds, mortgages, or notes for such stock, which shall be available for the use and benefit of said company and for the subsequent holders thereof, and be transferable by them in the [same] manner as if the same were made payable to individuals, or to their order or assigns.

Penalty for injury to road.

Sec. 13. If any person or persons shall willfully or knowingly obstruct, break, injure, or destroy the said road to be constructed by said company, or any part thereof, any work, buildings, or fixtures attached to or in use upon the same, belonging to said company, such person or persons, so offending, shall each of them, for every such offence, be liable to a civil suit for the recovery of damages by said company, by an action of trespass, in any court having competent jurisdiction in the county wherein the

offence shall have been committed; and shall also be subject to indictment, and upon conviction, shall be punished by fine and imprisonment, or either, at the discretion of the court.

Penalty for evading toll.

Sec. 14. Any person who shall willfully break or throw down any gate on such road, which may have been erected in pursuance of this act, or do any damage to said road, or forcibly or fraudulently pass such gate without having paid the legal toll, or to avoid the payment of the legal toll, shall with his team, carriage, or animal, turn out of said road or pass any gate thereon on ground adjacent thereto, and again return on said road, shall for each offence forfeit a sum not exceeding ten dollars to and for the use of said company, and also for all damages done to the profits of said company in an action of trespass.

May increase capital stock.

Sec. 15. The directors of said company at any annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, may provide for such increase of the capital stock of said company as may be found necessary to complete said road in such sections as may have been actually commenced but remain in an unfinished state for want of means for completing the same.

How charter forfeited.

Sec. 16. If the said company shall not within three years from the passage of this act, commence the construction of said plank road, and expend three thousand dollars or more thereon, and shall not within ten years from the passage of this act, construct, finish, and put in operation a single or double track plank road, the rights, privileges, and powers of said corporation, under this act, shall be null and void.

Public act.

Sec. 17. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state shall be received as evidence thereof.

Sec. 18. This act may be altered or amended by any future legislature of the state of Wisconsin.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 16, 1852.
LEONARD J. FARWELL.

[*Published May 26, 1852.*]

Chap 365 An Act to incorporate the Portage City, Stevens Point and Wausa

The people of the State of Wisconsin Senate and Assembly do enact as follows:

SECTION 1. William Schofield, George Walter D. MacIndoe, George W. Cate, James S. Young, John B. Dubay, Jose Abram Brawley, James S. Alban, Joseph Clinton, and Hugh MacFarland, together persons as may hereafter become associate the manner hereinafter prescribed, their suc

Created a body corporate.

signs, are hereby created a body corporate the Portage City, Stevens Point, and Wau Company, and by that name shall be and a capable in law to purchase, hold, and enjoy them and their successors, lands, tenements ments, so far as may be necessary for the rail road, and the same to sell, grant, rent, ner dispose of, to contract and be contracted be sued, implead and be impleaded, answer ed, defend and be defended, and also to m use a common seal, the same to alter, brea their pleasure; and if either of the persons section shall die, refuse, or neglect to exec and discharge the duties hereby created, it ty of the remaining persons hereinbefore na jority of them, to appoint a suitable perso fill such vacancy or vacancies, so often as t occur.

May make survey.

SEC. 2. The said corporation are hereby cause such examination or survey to be mad necessary to ascertain the most advantageou on to construct a rail road, and shall cause be made of the probable cost thereof for ea rately, and the said corporation shall be, and by invested with the right to construct a rail or more railways or tracks, from some conve the village of Portage City, in the county via Grand Rapids, Plover, and Stevens Po county, to Wausau, in Marathon county.

Capital stock.

SEC. 3. The capital stock of said corpo one million dollars, and five dollars on each paid at the time of subscribing.

May open books.

SEC. 4. The above named persons, or them, are authorized to open books for recei tions to the capital stock of said company scribe the form of such subscriptions, which

opened within two years from the passage of this act, at such place or places as they may deem expedient, by giving thirty days' notice in some newspaper printed at Portage City or at Madison, Wisconsin, and in such other place or places as may be thought advisable, of the time and place or times and places of opening said books, the said books to be kept open thirty days or until one hundred thousand dollars of said stock is subscribed.

To call meeting.

Sec. 5. So soon as said stock or one hundred thousand dollars thereof shall have been subscribed, the above named persons or the same number thereof as shall have given the notice above required, shall give like notice for the meeting of the stockholders to choose directors, at some time at least thirty days thereafter, and at some place within the county of Portage, and if at such time and place the holders of one-half or more of said stock subscribed, shall attend in person or by lawful proxy, they shall proceed to choose from the stockholders, by ballot, nine directors, each share of capital stock entitling the owner to one vote; and at such election the persons named in the first section of this act, or those appointed by its provisions to fill vacancies which may have occurred, or any of three of them, if no more be present, shall be inspectors such election, and shall certify in writing, signed by them, or a majority of them, what persons are elected directors, and if two or more have an equal number of votes, such inspectors shall determine by lot which of them shall directors to complete the number required, and shall certify the same in like manner, and such inspectors shall appoint the time and place of holding the first meeting of directors, at which meeting five shall form a board competent to transact all business of the company, and thereafter a new election of directors shall be made annually at such time and place as the stockholders at their first meeting shall appoint, and if the stockholders at their first meeting shall fail to appoint the day of such election, then it shall be holden in the succeeding year, on the same day of the same month on which said first election was holden, unless the same shall be on the first day of the week, in which case it shall be holden on the day next succeeding; and if no election be had on the day appointed, said company shall not be dissolved, but such election may be had at any time appointed by the by-laws of said company. The said directors shall elect one of their number president, and shall appoint a secretary, treasurer, such engineers and other officers as they may find necessary, shall

fix their compensation, and may require adequate security for the performance of their respective trusts.

Payment of subscriptions.

Sec. 6. The directors may receive payment of subscriptions to the capital stock at such time, in such proportion, not exceeding twenty five per cent. at any one installment, under such conditions as they shall deem fit under the penalty of forfeiture of all previous payments thereon, or otherwise: *Provided*, They shall never require payment to be made at any place out of the counties through which said road is to pass; and such directors shall at least thirty days previous to the appointed time of such required payment, give notice thereof in the manner provided in the fourth section of this act for giving notice of the opening of the books of such corporation for the stock of said company.

Proviso.

Powers of directors.

Sec. 7. The directors of said company shall have power to make, from time to time, all needful rules, regulations, and by-laws, touching the business of said company, and to determine the number of tracks and railways upon said road, and the width thereof, and the description of carriages which may be used thereon, to regulate the amount of tolls and the manner of collecting the same, and to direct the mode and condition of transferring the stock of said company, and the said company may erect and maintain toll houses and such other buildings and fixtures as the accommodation of those using said road may require.

May enter upon lands.

Sec. 8. The said company shall have the right to enter upon any lands to survey and lay down said road, not exceeding one hundred feet in width, and whenever any lands or materials shall be required for the construction of said road, and the same shall not be given or granted to said company, as to the compensation to be paid therefor, the person or persons claiming compensation as aforesaid, or if the owner or owners thereof are minors, insane persons, or married women, the guardian or guardians of such minors and insane persons, and the husbands of such married women, may select an arbitrator for themselves, and the company may select an arbitrator and the two thus selected shall take to themselves a third, who shall be sworn and paid by said company as arbitrators between the parties, and render copies of their award to each of the parties, in writing, from which award either party may appeal to the circuit court for the county in which such lands or materials shall be situated, and in all cases in which compensation shall in any manner be claimed for lands, where there has been no improvement made, it shall be the duty of the arbitrators and court to award a fair compensation for said

lands and materials, and appeals in such cases shall, when taken, be in all respects proceeded in as appeals in other cases in said court, and brought into said court by filing the award with the clerk of said court, whose duty it shall be to enter the same in the docket of said court, setting down the claimant or claimants as plaintiff and said company as defendant, and when the valuation so ascertained shall be paid or tendered by said company, said company shall have the same right to retain, own, hold, and possess said lands and materials, as fully and absolutely as if the same had been granted and conveyed to said company by deed: *Provided*, That none of said arbitrators so chosen shall be of kin to any of the parties, or be in any wise interested on either side.

Sec. 9. The said company may construct the said rail road across any public or private road, highway, stream of water, or water course, if the same shall be necessary, but the said company shall restore such road, highway, stream of water, or water course, to its former state, or in a sufficient manner not to impair the usefulness of said road, highway, stream of water, or water course, to the owner or to the public. Not to obstruct highway.

Sec. 10. The said rail road company are hereby authorized and fully empowered in their corporate name and capacity to borrow any sum or sums of money, and for any rate of interest which may be agreed upon by and between said company, and any person or party of whom such money may be obtained, and make and execute in their corporate name all necessary writings, notes, bonds or other papers, and make and execute and deliver such securities in amount and kind as may be deemed expedient by said corporation, any law on the subject of interest in this state to the contrary notwithstanding, and the powers of said corporation for the purposes aforesaid and for all purposes necessary to carrying out the objects of said company, namely, the construction of a rail road from Portage City via Stevens Point to Wausau, in Marathon county, are hereby ratified and confirmed, and the contracts and official acts of said company declared binding in law and equity, upon said corporation and upon all other parties to such contracts. May borrow money.

Sec. 11. If any person or persons shall willfully obstruct, or in any way spoil, injure, or destroy said road, or anything belong, or incident thereto, or any material to be used in the construction thereof, or any building, fixtures, or carriages, erected or constructed for the use or convenience thereof, such person or persons shall each be liable for every such offence to treble the damages sustained Penalty for injury to road.

thereby, to be recovered in an action of d
having jurisdiction of the amount, and sh
ject to indictment, and be punished by fi
ment, or both, in the discretion of the cou
ceeded against in the same manner as prov
in the punishment of offences against othe
al property.

Sec. 12. Whenever it shall be necessar
or construction of said road to pass th
grounds, it shall be the duty of the said
To construct fence. the same shall be used as a rail road, to fe
on both sides thereof, as far as the same sh
ground, and at all times to keep the enclos

Sec. 13. This act is hereby declared to
Public act. and shall be favorably construed in all of t
state, and printed copies of the same shall
ficient evidence of the facts herein contain

J. McM. SHAFTE
Speaker o
E. B. DEAN, Jr.
President pro tem

Approved, April 16, 1852.
LEONARD J. FARWELL.
[*Published*

Chap 366 An Act to incorporate the Plymouth and Saukville Plank and T

The people of the State of Wisconsin
Senate and Assembly, do enact as follows

Section 1. That William R. Ellis, F. W
Commissioners berson, Oran Rogers, E. M. McIntosh, J
William D. Lisse, LaFayette Eastman, Wi
— Feischbien, George C. Daniels, and W
be and they are hereby appointed comm
the direction of a majority of whom, subsc
received to the capital stock of the Plym
ville Plank and Turnpike Road Company,
corporated, and they may cause books to be
times and places as they shall direct for the
ceiving subscriptions to the capital stock of
first giving thirty days' notice of the times
taking such subscriptions, by publishing th
or more newspapers printed in the counties
or Washington.

Sec. 2. The capital stock of said compa
Capital stock. enty-five thousand dollars, and shall be div

of ten dollars each, and as soon as four hundred shares of the capital stock shall be subscribed, and one dollar of each share actually paid in, the subscribers of such stock with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby declared and created a body corporate and politic by the name and style of "The Plymouth and Saukville Plank and Turnpike Road Company," with perpetual succession, and by that name shall have all the privileges, franchises, and immunities incident to a corporation, to wit: they shall be capable in law of purchasing, holding, leasing and conveying estates, either real, personal, or mixed, and in their corporate name may sue and be sued, may have a common seal, which they may alter or renew at pleasure, and generally may do all and singular the matters and things which they are authorized by law to do for the interest and well being of said company.

Sec. 3. The said commissioners, or a majority of them, after the said four hundred shares of stock shall have been subscribed as aforesaid, shall give at least twenty days' notice in the newspapers hereinbefore mentioned, of the time and place of the meeting of the stockholders for the purpose of electing seven directors, who shall elect one of their number president, and annually thereafter the said stockholders shall meet on the first Monday in June for the purpose of electing directors as aforesaid, upon a like previous notice to be given by a majority of the directors for the time being, in such newspapers as they think proper: *Provided*, That previous to the first election, the commissioners hereinbefore named shall elect one of their number president, and they shall perform all the duties, and be invested with all the powers of directors: *And provided*, That if from any cause an election shall not be held at the regular time specified therefor, the same may be held at any other time on notice as aforesaid; that until such election the directors of the preceding year shall continue to act, and this charter shall not be avoided by reason of the irregularity or want of such election, and in case of any vacancy in the board of directors [the same may be filled by the board of directors] or by a majority of them.

To call meeting.

Proviso.

Sec. 4. The affairs of said company shall be m[illegible] by a board of seven directors, who shall be sto[illegible]naged and be chosen annually by ballot if the sto[illegible]kholders, said company, the vote to be given in perso[illegible]ckholders o[illegible] duly authorized, which directors shall ap[illegible]n or by proxy number president, and shall serve until [illegible]oint one of their in their stead. They shall make a[illegible] others are elected [illegible]d establish such by-

Board of directors.

laws, rules, orders, and regulations, not in
the constitution and laws of the United St
state of Wisconsin, as may be necessary for
ing of the affairs of said company. Each sha
be entitled to one vote, and in all cases of
rectors the seven stockholders having the g
of votes shall be declared duly elected.

Sec. 5. Five directors shall constitute a
transaction of business, who in the absen
dent may appoint a president *pro tem.* Th
shall appoint a secretary, treasurer, such
other officers as they may find necessary, a
pensation, and may demand adequate secu
formance of their respective trusts, and
Powers of directors. power to decide the time and manner in
stockholders shall pay the money due on
shares, not exceeding twenty-five per cent.
stallment, and to forfeit to the use of sai
share or shares of every person or persons
any installment, at a reasonable period, not
days after the time appointed for the pa
They shall have power to regulate tolls, to
enants, contracts, and agreements with any
sons, or body politic whatever, as the exec
agement of the works and the convenience
the company may require, and in general
and direct all the operations, receipts, disb
other proceedings of the company. The
until the directors are chosen shall issue cer
stockholder for the number of shares he or
scribe for or hold in said corporation, signe
dent and countersigned by the secretary, s
payments due and to become due thereon, w
be transferable in person or by attorney
ministrators, guardians, or trustees, under s
as may be provided by the by-laws of said

Sec. 6. The said company shall have
and construct a single or double track pla
road from the town and village of Plymo
Route of Road. gan county, to the village of Saukville,
county, and they shall have power to erec
houses, bridges, and other works and appe
be necessary for the convenience of said
use of said road. The directors shall exer
conferred on them by law; shall audit and p
give and receive all such receipts and disc
as shall be deemed best for the interest of

fix the compensation and salary of the officers they may appoint; and meet at such times and places as they may prescribe in the by-laws to be enacted by them. They may appoint and remove all officers at pleasure, prescribe the meeting of the stockholders, and declare and pay the dividends, or so much of the surplus profits of the company as they shall deem advisable, which may accrue on the shares of the said stock to the stockholders of said company on the first Mondays of July and January of each year.

Sec. 7. It shall and may be lawful for said company, their officers, engineers, and agents, to enter upon any lands for the purpose of exploring, surveying, and locating the route of said road, doing thereto no unnecessary damage, and when said route shall be determined by the said company, it shall be lawful for them, their agents, officers, engineers, contractors, and servants, at any time to enter upon, take possession of, and use such lands for the purposes of said road, not exceeding four rods in width along the line of said route, subject however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter directed and provided for. May enter on lands.

Sec. 8. When the said corporation cannot agree with the owner or owners of any land, gravel, stone, or other material required for the construction of said road, for the purchase thereof, or the compensation to be paid therefor, or when by reason of the absence or legal incapacity of the owner or owners, no such agreement or purchase can be made, then, and in any such case, it shall be lawful for any justice of the peace of the county in which the property may lie, to issue his warrant directed to the sheriff or any constable of said county, not directly interested, requiring him to summon a jury of nine freeholders of said county not interested in said property, to meet at some convenient place, at or near the property to be valued, on a day in said warrant named, not less than five nor more than ten days from the date of said warrant; and if at the time and place named, any person so summoned do not attend, the said sheriff or constable shall immediately summon as many as may be necessary with the persons in attendance as jurors, to furnish a pannel of nine jurors, and from them the said company and the owner or owners of the property to be valued, their agent or attorney, or either of them, and if they are not present in person or by attorney, the sheriff or consta- How damages settled.

ble shall for him or her, strike off each two of said jurors, and the remaining five shall act as a jury of inquest of damages; and before they act as such, the said sheriff or constable shall administer to each of them an oath or affirmation that he will faithfully and impartially value the lands or materials required for said road, and all damages which the owner or owners shall sustain by reason of the construction of said road, according to the best of his skill and judgment; whereupon the said jurors shall proceed to view the said land or material so required, and to hear the evidence of the respective parties, which the said jurors shall reduce to writing, which shall be signed by all or a majority of said jurors, and by the sheriff or other officer in attendance, and the said officer shall within five days thereafter, transmit the same to the clerk of the district court of the proper county, who shall file the same; such inquisition shall describe the property taken or to be taken, or the boundaries of the land in question, and the value thereof as aforesaid, and when such valuation shall be paid, together with the costs of such inquisition, or tendered to the owner or owners, or deposited with the said court, shall entitle the said company to the estate and interest in the same thus valued, as if it had been conveyed by the owner or owners thereof in fee simple, so long as the land thus valued and taken shall be used for the track of said road: *Provided*, That it shall not be lawful for any such jury of inquest to proceed in the valuation of any such property or material in the absence of the owner or owners thereof, his, her, or their legal representatives, unless it be made to appear by affidavit, that such owner or owners have had at least five days' notice of the time and place of meeting for the purpose of making such valuation, or unless it shall in like manner be shown that such owner or owners are absent from the county, and if such owner or owners are under age or *non compos mentis*, the service of notice upon the guardian or trustee, (if there be any,) or of their absence from the county shall be required to be established by affidavit to the said jurors before they shall proceed to make such valuation: *Provided further*, That in case of such disagreement the company shall not take possession of any land or material until such jury shall have first decided that the taking thereof is necessary, and in cases of materials that the same are not essentially necessary to the owner or owners thereof for his, her, or their private and proper use.

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Sec. 9. The shares of stock of the company shall be

deemed personal property, and every person becoming a shareholder by transfer, purchase, or otherwise of shares of said stock, shall succeed to all the rights and liabilities of the prior holder of said share or shares, and the said shares shall be liable to be taken in execution for the payment of the debts of their owners in such manner as is or may be provided by law: *Provided*, That all debts due the said company shall first be paid. Whenever the route of said road follows the line of any public highway, the said company shall not take possession of said highway until the supervisors of the town through which it passes shall have given their written consent, which shall be recorded in the town clerk's office, or if the said supervisors shall refuse to give their consent then the damages to the town shall be appraised or ascertained as in the case of private property; and the amount so appraised for such highway so taken, shall be paid to the said supervisors of the town to which it belongs, to be by them applied in improving the roads in such town.

Stock deemed personal property.

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Sec. 10. If any person shall willfully and knowingly obstruct, break, injure, or destroy the road so to be constructed by said company, or any part thereof, or any work, building, or fixture attached to or in use upon the same, belonging to said company, such person or persons so offending, shall each of them for every such offence, be liable in a civil suit for the recovery of damages by said company, by an action of debt in any court having competent jurisdiction in the county wherein the offence shall have been committed, and also be subject to indictment, and upon conviction shall be punished by fine and imprisonment, or either, at the discretion of the court.

Penalty for injury to road.

Sec. 11. The directors may erect toll gates and exact toll from persons traveling on their road, whenever three consecutive miles are finished, or when the whole road is completed, not exceeding one cent per mile for every vehicle, sled, sleigh, or carriage drawn by one animal, and if drawn by more than one animal, one cent a mile for every additional animal; and for every horse and rider or led animal, one cent a mile; for every score of sheep or swine, three cents a mile, and for every score of neat cattle, four cents a mile: *Povided*. That persons actually going to or returning from any religious meeting on Sunday, or going to or returning from funerals, shall be exempt from toll.

Rates of toll.

Proviso.

Sec. 12. The said directors may receive from any stockholder in said company, in lieu of money, for the stock subscribed by him, real or personal property to be approved of by the said board of directors, and upon the acceptance of

May receive property on subscriptions.

said securities from said stockholders, or any of them, the subscription of such stockholder shall be considered as paid and certificates of stock shall be issued to said stockholder in the same manner as if he had paid in the full amount of his subscription in money; and it shall be competent for the said stockholders paying their subscriptions to said stock in securities as aforesaid, to contract and to pay to said company, interest at the rate of twelve per centum for a period not exceeding ten years, and to execute to said company, by its corporate name, bonds, mortgages or notes for such stock, which shall be available for the use and benefit of said company and for all subsequent holders thereof, and be transferable by them in the same manner as if the same were made payable to individuals or to their order or assigns.

May increase capital stock.

SEC. 13. The directors of said company may at any annual or special meeting of the stockholders, with the consent of a majority of amount of such stockholders, provide for such increase of the capital stock of said company as may be found necessary to complete said road in such sections as may have been actually commenced but remain in an unfinished state for want of means for completing the same.

How charter forfeited.

SEC. 14. If said company shall violate any of the privileges hereby granted, the legislature of the state of Wisconsin may resume all and singular the rights and privileges vested in said company by this act.

Company liable for damages.

SEC. 15. Said company shall be liable for all damages that may be sustained by any person or persons in consequence of the omission or neglect to keep said road in good repair and condition.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, April 16, 1852.
LEONARD J. FARWELL.

[*Published, June* 10, 1852.]

Chap 367

An Act to incorporate the Union Academy.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Jesse Smith, Alanson B. Vaughan, Harvey Frost, Hezekiah L. Smith, Allen Miner, Peter Allen

Thomas Wardall, D. G. Frisbee, Dan Pond, Gideon E. Newman, and Alanson Moore, and their associates and successors, are hereby declared and constituted a body corporate by the name and style of the "Union Academy," to be located in the village of Union and county of Rock, for the purpose of educating youth of both sexes. Created a body corporate.

Sec. 2. Said corporation shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity, it shall have a common seal and may alter or renew the same at pleasure, and shall have power to acquire, purchase, receive, possess, hold, and enjoy property, personal and real, and to sell, and rent, or otherwise lawfully dispose of the same at pleasure. Powers.

Sec. 3. The stock of said corporation shall be divided into shares of twenty-five dollars each, which shall be deemed personal property, and shall be transferable on the books of the corporation in such manner as shall be prescribed by its laws. Stock.

Sec. 4. The business matters of said corporation shall be managed by a board of seven trustees, a majority of whom shall constitute a quorum. Said trustees shall be elected on the first Monday of May next, at seven o'clock, P. M., at a meeting of the stockholders hereby authorized to be holden at the tavern of Dan Pond, in said village of Union, and shall hold their offices for the term of one year and until their successors are duly elected. Each stockholder shall be entitled to one vote for each share of said stock by him owned. After the first election there shall be an annual meeting of the stockholders for the election of trustees on the first Monday of March, at such place in said village as shall be designated by the trustees. Trustees.

Sec. 5. Trustees shall have power to elect a president, secretary, and treasurer from their number, and fill vacancies in the board of trustees; to sell, lease, mortgage, or otherwise dispose of any real or personal property of said corporation, in such manner as they shall deem most conducive to the interest of said academy, and to erect and keep in repair all necessary buildings for the use of the same; to prescribe and direct the course of study and discipline to be observed in said academy, and to make all rules, regulations, and by-laws necessary to carry into effect the powers herein granted, not inconsistent with the constitution and laws of this state. Powers of trustees.

Sec. 6. No religious test shall ever be required either from students or officers connected with this academy or corporation. No religious test

SEC. 7. This act may be repealed, altered, or amended by any future legislature.

J. McM. SHAFTER.
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved April 16, 1852.
LEONARD J. FARWELL.

[*Published, June 2, 1852.*]

Chap 368

An Act to incorporate the Holland Trading Company.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Created body corporate.

SECTION 1. S. R. Muller, N. T. Great, Sweeny Burr, S. Stockdyke, L. Zeareed, D. DeGroot, Patrick McConirl, Garrit Berenscott, William Willjen, their associates and successors are hereby constituted a body corporate and politic, by the style of the Holland Trading Company; and by that name may sue and be sued, plead and be impleaded, have a common seal, for the space of thirty years, for the purposes hereinafter mentioned.

Powers

SEC. 2. Said corporation shall have power to build and maintain a pier, within the town of Holland, in the county of Sheboygan, projecting into lake Michigan, to any desired extent, to use the same and collect pierage thereon, to build and maintain mills, for the purpose of manufacturing lumber in all its forms, and for grinding and flouring grain in all its varieties, to erect stores and all other buildings which they may deem necessary to carry on a general milling, lumbering, and trading business, within said town of Holland.

Capital stock.

SEC. 3. The capital stock of said company shall consist of two hundred and forty shares of twenty-five dollars each, and the persons named in the first section of this act, or a majority of them, may, at such time and place as they may direct, open books for subscriptions to said capital stock, giving two weeks' notice thereof in the Newsbode, published in Sheboygan, both in the Holland and English Language, and shall keep such books open until the whole of such stock is subscribed.

Installments.

SEC. 4. There shall be paid five dollars upon each share of the capital stock, at the time of subscription, and the remainder of said stock may be called in by the directors of said company, at intervals of not more than thirty days and in installments of not less than ten dollars per share,

id upon failure to pay any installment, the directors may
oceed to collect the same by a sale of the shares of de-
iquent stockholders, or by an action of assumpsit upon
ch subscription.

Sec. 5. The business of said company shall be conduc- Board of directors.
d by a board of directors, and by such other agents and
rvants as said company shall direct to be appointed and
id as shall be, in the by-laws of said company, provided,
d the manner and time of holding all meetings of said
mpany shall be provided for in such by-laws.

Sec. 6. Said company shall have power to make and To make by laws
er such by-laws, rules, and regulations respecting the
nagement, control, and disposition of the stock, prop-
y, and business of such corporation as they may deem
edient and proper, not inconsistent with the laws and
stitution of the United States or of this state.

Sec. 7. The said company shall have power to hire any May borrow money.
ney, upon any and all kinds of security: *Provided*,
at the indebtedness of the company shall at no time ex-
d the amount of capital stock actually paid in.

Sec. 8. The stock of such company shall be deemed Stock personal property.
sonal estate, and shall be transferable in such manner
shall be prescribed by the by-laws of the corporation,
the holders of such stock shall be entitled to one vote
n each share of said stock, in all meetings of the stock-
lers of said company.

c. 9. The stockholders of said company shall be in- Liable for debts.
idually liable for all debts contracted by said company.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

pproved, April 16, 1852,
LEONARD J. FARWELL.

[*Published, June* 9, 1852.]

An Act to incorporate the New Diggings and Shullsburg Mining Company. **Chap 369**

*he people of the State of Wisconsin, represented in
te and Assembly, do enact as follows*:

ction 1. James H. Knowlton, James H. Earnest, Created a body corporate.
es M. Strong, their associates and successors, are
by constituted a body corporate and politic, by the
e and style of the New Diggings and Shullsburg Min-
Company, and by that name may sue and be sued,
d and be impleaded, and answer and be answered un-

to, in all courts of law and equity, may have a common seal, and the same alter at pleasure, and may enjoy all the privileges incident to corporations, for the purpose of mining, smelting, and manufacturing lead and other metals in the county of LaFayette.

May hold real estate.

Sec. 2. Said corporation shall have power to purchase, hold, and convey real and personal estate: *Provided*, That the cost of the real estate held by that company at any one time, shall not exceed one hundred thousand dollars.

First meeting.

Sec. 3. The first meeting of said corporation may be called by the persons named in this act, at such time and place in said county as may be mutually agreed upon by them, and at such meetings, and at all other meetings duly notified, said corporation may make and alter such by laws, rules, and regulations for the management of the business of said corporation, as a majority may direct, not repugnant to the laws of this state nor of the United States.

May divide stock

Sec. 4. Said corporation may divide their stock into as many shares, and provide for the sale and transfer thereof in such manner as said corporation shall from time to time deem expedient.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 16, 1852.
LEONARD J. FARWELL.

[*Published June 9, 1852.*]

Chap 370 An Act to amend chapter one hundred and two, section fifty-eight of Revised Statutes.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Act amended.

Section 1. That section fifty-eight, chapter one hundred and two of the revised statutes is hereby amended by the addition of another subdivision, numbered nine, to follows: "All moneys arising from insurance of property exempted from sale on execution, when such property has been destroyed by fire."

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 16, 1852.
LEONARD J. FARWELL.

[*Published, May 26, 1852.*]

An Act to amend the eighth section of the act entitled "An Act to incorporate the Omro and Waupun Plank Road Company," passed February 17, 1851 **Chap 371**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The eighth section of the act to incorporate the Omro and Waupun Plank Road Company is hereby so amended as to provide that the said road shall be constructed of plank, stone, gravel, or coal, in whole or in part, each at the option of the directors, and as otherwise provided in said section. Act amended.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved, April 16, 1852.
LEONARD J. FARWELL.

[*Published May 26, 1852.*]

An Act to amend section one of chapter two hundred and seven of the session laws of 1851. **Chap 372**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one, of chapter two hundred and seven of the session laws of 1851, is hereby so amended to read as follows, viz: Q. H. Barron, Reuben Baughman, and Peter Dow, be and they are hereby appointed commissioners to lay out and establish a state road from Act amended. Ashara, in the county of Dodge, to Pardeeville, in the county of Columbia: *Provided*, That no part of the expense of laying out said road shall be paid out of the state treasury.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved, April 16, 1852.
LEONARD J. FARWELL.

[*Published May 26, 1852.*]

Chap 373 An Act to amend an act entitled "An act to incorporate the City of Fond du Lac," approved March 19, 1852.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Act amended.

SECTION 1. The city council are hereby authorized and empowered to establish a separate poll in each of the wards of said city, at such places as they may appoint, and all elections in said city shall be held and conducted by the alderman of each ward, who shall be the inspectors of elections and shall take the usual oaths or affirmations, as prescribed by the general laws of this state, to be taken by the judges and inspectors of elections, and shall have power to appoint clerks of such elections, and to administer the necessary oaths; said elections shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of inspectors thereof shall be filled as required by the laws of this state regarding elections.

J. McM. SHAFTER,
Speaker of the Assembly
E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved, April 16, 1852.
LEONARD J. FARWELL.

[*Published May* 26, 1852.]

Chap 374 An Act to amend an act entitled "An act to authorize William Noble to keep and maintain a Ferry across Lake St Croix, at the mouth of Willow River, in St. Croix County," approved March 11, 1848.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Part of act repealed.

SECTION 1. All that part of an act entitled "An act to authorize William Noble to keep and main a ferry across lake St. Croix, at the mouth of Willow river, in St. Croix county," approved March 11, 1848, which reads as follows: "and no other ferry shall be established within two miles of the same," is hereby repealed.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, April 16, 1852.
LEONARD J. FARWELL.

An Act to authorize the Board of Public Works to construct a Draw Bridge across the Portage Canal, in the Town of Fort Winnebago. **Chap 375**

The people of the State of Wisconsin represented in enate and Assembly, do enact as follows:

Section 1. The board of public works for the improve- May build bridge
ent of the Fox and Wisconsin rivers are hereby author- ed and instructed to make a contract for the construction id erection of a draw bridge across the Portage canal, in e town of Fort Winnebago, and to locate the same at e head of Wisconsin Street, and at its intersection, as w extended and traveled, with DeWitt Street on the op- site side of said canal: *Provided*, The expense of erect- g the same shall be paid from the Fox and Wisconsin er improvement fund: *Provided*, The same shall not ceed five hundred dollars.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 16, 1852.
LEONARD J. FARWELL.
[*Published June 2, 1852.*]

An Act to provide for laying out a State Road. **Chap 376**

The people of the State of Wisconsin represented in ate and Assembly, do enact as follows:

ection 1. J. John, R. H. DuBays of Portage county, Commissioners.
rles Whipple, of Black River, John O. Henning, of St. ix county, be and are hereby appointed commission- to lay out and establish a state road from Depere, in county of Brown, by way of Stevens Point, on the consin river, the village of Black River, Clearwater, he Chippewa river, and "Gilbert's," on the Menomo- river, to Willow river, in St. Croix county.

ec. 2. It shall be lawful for the aforesaid commis- Compensation.
ers to receive such compensation for their services in g out and establishing said road, as the supervisors of several counties through which said road shall pass, t see fit to allow: *Provided always*, No part of such nse shall be paid from the state treasury, unless such l be authorized by a separate appropriation bill.

Sec. 3. This act shall take effect and be in force from and after its publication.

J. McM. SHAFTER,
Speaker of the Assembly.

E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 16, 1852.
LEONARD J. FARWELL.

[*Published, June* 15, 1852.]

Chap 377

An Act to authorize the county of Green to vote at the next general election upon certain subjects therein named

May vote, &c. *The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:*

Section 1. The voters of the county of Green, in this state, are hereby authorized to vote at the next general election upon the subject of subscribing to the capital stock of rail road companies constructing rail roads in said county.

J. McM. SHAFTER,
Speaker of the Assembly.

E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 16, 1852.
LEONARD J. FARWELL.

[*Published May* 26, 1852.]

Chap 378

An Act to give effect to a Law of Congress concerning Town Sites on the Public Lands approved May 23d, 1844.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Regulations. Section 1. That for the purpose of giving effect to the law passed at the first session of the twenty-eighth congress of the United States, approved May twenty-third, in the year of our Lord one thousand eight hundred and forty-four, entitled "An act for the relief of the citizens of towns upon the lands of the United States, under certain circumstances," the following regulations shall be observed by the said corporate authorities or county judges who have

or may hereafter, enter under said law, any of the lands of the United States, within this state: first, as soon as any entry of such lands may be made, it shall be the duty of said corporate authorities or county judges, as the case may be, and they are hereby required to cause said lands to be surveyed into in and out lots, and streets, and alleys, as nearly as may be, in accordance with the then present surveys, and so as to promote the general good and order of the town in the highest degree possible; and to cause a plat of said survey, duly certified and acknowledged, to be recorded in the office of the register of deeds of the proper county; second, immediately after the making of said surveys and record, said corporate authorities or county judges, as the case may be, shall proceed to ascertain, by some equitable mode, the extent of the claim or interest of each person in said lands, equitably adjusting each person's claim according to said survey; and shall then execute to each such person entitled, a good and sufficient deed for his portion of said lands, described by lot and block according to said survey, and shall be subject to all streets and alleys; third, the proper proportion of each such person's share of the costs of said entry, survey, record, and conveyance, (each person paying for his own deed,) and all expenses incident thereto, shall be a lien on his interest, thus set apart, in said lands, and shall be payable to said corporate authorities, or said county judges, before he is entitled to receive his deed therefor.

Sec. 2. Any county judge, acting under the provisions of said law of congress shall be entitled to receive for his services the sum of two dollars per day for the time actually employed by him in his duties as such trustee, in addition to all disbursements and expenses incurred by him in the performance of such duties, and the usual charges for drawing such deeds, in case the same be drawn by him. And when any such lands shall be entered by the corporate authorities of any town, each person interested shall be liable to pay his proportion of the costs and expenses of such entry, survey, record, and conveyance as above provided; and if not so paid on the tender of his deed, said sum may be levied as a tax upon his interest in said lands thus designated, and collected as the corporation taxes are levied and collected. Fees.

Sec. 3. In case any person or persons interested, or claiming to be interested, in any of said lands, shall feel himself or themselves aggrieved by the action or decision of said corporate authorities or county judges, may appeal to the circuit court of the proper county, sitting as a court Appeal.

of equity, by filing therein a petition or bill in chancery against the adverse claimant or claimants, within three months from the decision or action complained of, and said circuit court shall hear and determine the same according to the right and equity of the matter, and their decree shall be final between the parties.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 16, 1852.
LEONARD J. FARWELL.

[*Published June* 2, 1852.]

An Act to vacate the Town Plat of the town of Clifton in Dane County.

Chap 379

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Section 1. The town plat of the town of Clifton, situated on part of lot three, section six, in township nine north, of range seven, east, is hereby vacated.

Plat vacated.

Sec. 2. This act shall take effect from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved April 16, 1852.
LEONARD J. FARWELL.

[*Published June* 9, 1852.]

An Act to legalize the proceedings of School District Number Four, in the Town of Brookfield.

Chap 380

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. The proceedings of a school meeting held in school district number four, in the town of Brookfield, Waukesha county, on the seventeenth day of June, eighteen hundred and fifty, are hereby declared to be legal and valid, and the district board of said district are hereby authorized to raise by tax upon the taxable property of said district, in the manner now provided by law, a sum sufficient to pay the indebtedness of said district for lot, house, stove, and pipe, and teachers' wages, not exceeding three hundred and fifty dollars.

Proceedings legalized.

Sec. 2. This act shall take effect from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 16, 1852.
LEONARD J. FARWELL.

An Act to grant one copy of the Revised Statutes, Laws, Journals, and Legislative Documents of this state to Beloit College and other Literary Institutions. **Chap. 381**

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Section 1. The librarian is hereby authorized to deliv- to Beloit College and to all other incorporated acade- ies and literary institutions of this state, having a libra- of three hundred volumes, one copy of the revised atutes, one copy of the session laws of each session of the gislature, one copy of the journals of the senate and asbly of each session, one copy each of the journals two constitutional conventions, one copy each of all cuments printed by order of the legislature of this state, d one copy each of the revised statutes, laws, and jourls of the council and house of representatives of the terory of Wisconsin, and the reports of the decisions of the preme court of this state: *Provided*, Twenty-five cop- of each document and book be retained in the library. To deliver books. Proviso.

Sec. 2. The librarian shall deliver to said colleges one by each of the laws, journals, and other documents hereer printed by order of the legislature of this state, withninety days after publication. Future publications.

Sec. 3. The said statutes, laws, journals and documents y be delivered to any person authorized by the presiit or principal of said institutions. To whom delivered.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 16, 1852.
LEONARD J. FARWELL.

[*Published May 26, 1852.*]

Chap 382 An Act to provide for laying out a State Road from Bear Creek Mills in Outagamie County, by way of Shioc, to the outlet of Lake Shauano, in Oconto County.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Commissioners

SECTION 1. That Rodney Mason, W. D. Jordan, and Charles Westcoat, be and they are hereby appointed commissioners to lay out and establish a state road from Bear Creek Mills, in Outagamie county, by the way of Shioc, on lot number two, (2,) section number twenty-nine, (29,) township number twenty-three (23) north, range number sixteen (16) east, to the outlet of lake Shauano, in Oconto county.

SEC. 2. No money shall be paid out of the state treasury for any services required by this act.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved April 16, 1852.
LEONARD J. FARWELL.
[*Published, June* 9, 1852.]

Chap 383 An Act to provide for the protection of Sheep.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

When dog may be killed.

SECTION 1. If any dog shall be found killing, wounding, or worrying any sheep or lambs, it shall be lawful for any person to kill such dog at any time before such dog shall have returned to the enclosure or immediate care of the owner or possessor thereof.

Owner of dog liable for damages.

SEC. 2. The owner or keeper of any dog which shall have killed, wounded or worried any sheep or lambs, shall be liable in an action of trespass on the case, to the owner or legal possessor of sheep or lambs, for all damages done by such dog, without proving notice to the owner or keeper of such dog, or knowledge by him that his dog was mischievous or disposed to kill or worry sheep.

Penalty for not confining dog.

SEC. 3. If any dog shall worry, wound, or kill any sheep or lamb, and the person owning or harboring such dog shall not keep such dog confined after being notified of such worrying, wounding, or killing, such owner or keeper shall be liable to pay damage in double the value of any sheep which may be thereafter killed by such dog, to be recovered in an action of trespass on the case, by the owner of such sheep, and any person

kill any such dog, if found out of the enclosure or immediate care of its owner or keeper, after twenty-four hours from the time of such notice.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 16, 1852.
LEONARD J. FARWELL.

[*Published June 9, 1852.*]

An Act to provide for the re-appraisal of Section number sixteen, in Township number three, of range one, west, in Grant County. **Chap 384**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Governor to appoint appraisers

Section 1. The governor shall appoint three disinterested citizens of the town of Platteville, appraisers, whose duty it shall be to examine and re-appraise section number sixteen, in township number three north, of range number one west of the fourth principal meridian, in Grant county, and to make report of such appraisment as hereinafter directed.

To take oath.

Sec. 2. The said appraisers, before entering upon the discharge of the duties herein specified shall severally take and subscribe an oath or affirmation, to be administered by any officer who is authorized by law to administer oaths, that they will support the constitution of the United States and the constitution of the state of Wisconsin, and that they will discharge the duties of appraisers under the provisions of this act, according to the best of their ability; which said oaths or affirmations shall be duly certified by the officer administering the same, and shall be attached to the report to be made as herein provided for.

To make personal inspection.

Sec. 3. It shall be the duty of the said appraisers or a majority of them, after having taken the oath or affirmation mentioned in the preceding section, to proceed to make a personal inspection of the lands described in the first section of this act, and to make an appraisment and valuation thereof in subdivisions or lots, containing not more than forty acres each, which appraisment shall be made without reference to any improvements upon said lands, but the said appraisers shall, in their report, particularly describe any and all improvements which have been made and now are upon the said lands or any part thereof, by any occupant or claimant thereof, and the said appraisers shall also set forth and state the full and fair estimated value of

such improvements, with the name or names of the person or persons claiming the same.

To make report.

SEC. 4. After the said appraisers shall have made the personal inspection required by this act, and within two months from and after the passage of this act, they shall make a full report of their acts and doings as such appraisers, in which they shall distinctly state the number of acres in each subdivision or lot of said land, the value thereof per acre, the nature and value of improvements, if any there be, on each of said subdivisions or lots, and the name or names of the person or persons claiming said improvements, or occupying said lands. They shall sign their names to said report, and shall cause the same to be forwarded to the office of the secretary of state.

Subject to sale.

SEC. 5. The said lands shall, after such appraisal and report thereof as herein required, be subject to sale as the other school lands lying in Grant county are, and as the law provides.

Compensation.

SEC. 6. The said appraisers shall receive as compensation the sum of two dollars and fifty cents for each day necessarily devoted or spent by them in the performance of the duties required by this act, to be paid in the first instance, and reimbursed in the manner provided by the act entitled "An act providing for the appraisal and subdivision of the school and university lands," approved August 12, 1848.

Secretary to notify appraisers.

SEC. 7. It shall be the duty of the secretary of state, immediately after the passage and approval of this act, to notify the appraisers named in the first section of this act of their appointment.

SEC. 8. This act shall be in force from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, April 16, 1852.
LEONARD J. FARWELL.

[*Published, April* 22, 1852.]

An Act in relation to Auctioneers in the City of Milwaukee. **Chap 385**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

May license auctioneers.

Section 1. The common council of the city of Milwaukee are hereby authorized to regulate the business of auctioneers within said city and grant licenses for the same.

Rate of license.

Sec. 2. Not less than five nor more than fifty dollars shall be the amount required for a license, and the common council shall have power to pass an ordinance or ordinances prescribing the penalty and proceedings for carrying on the business of auctioneers without such license; and the tax now by law to be paid, shall be paid into the city treasury for the use of said city.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 16, 1852.
LEONARD J. FARWELL.
[*Published June* 2, 1852.]

An Act relating to Hawkers and Pedlers. **Chap 386**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Pedlers to procure license.

Section 1. No person shall be allowed to travel from place to place within this state for the purpose of carrying or selling, or exposing to sale any goods, wares, or merchandize, except the same are of the growth or manufacture of citizens of this state, unless he shall have first obtained a license as a hawker and pedler in the manner hereinafter provided.

To apply to secretary of state.

Sec. 2. Every person desiring to obtain a license as a hawker or pedler, shall apply to the secretary of state, and shall deliver to him a note in writing signed by such applicant, or his authorized agent, and stating in what manner the applicant intends to travel and trade, whether on foot or with one or more horses or other beasts of burthen, or with any sort of carriage.

Sec. 3. Every such applicant, before he shall be entitled to a license, shall pay into the state treasury the follow-

Rates of license.

ing duties: if he intend to travel on foot, the sum of ten dollars; if he intend to travel and carry his goods with a single horse, or other beast carrying or drawing a burthen, the sum of thirty dollars; if he intend to travel with any vehicle or carriage drawn by two horses or other animals, the sum of forty dollars; and if he intend to travel with more than two horses or other animals drawing any sort of carriage, the sum of sixty dollars.

When license granted.

Sec. 4. It shall be the duty of the secretary of state, upon the payment of his fees, to grant to every such applicant who shall deliver to him with the notice above required, the receipt of the state treasurer showing the payment of the proper duties into the state treasury, a license under his seal of office, and signed by himself, authorizing such applicant to travel and trade within this state as a hawker or pedler in the manner stated in the notice, for the term of one year from the date of the license.

Penalty for violation.

Sec. 5. Every person who shall be found traveling and trading within this state, contrary to the provisions of this act, or contrary to the terms of any license that may have been granted to him as a hawker or pedler, shall for each offence forfeit the sum of twenty-five dollars.

Justice to issue warrant.

Sec. 6. Any justice of the peace, upon complaint being made, shall issue his warrant for the apprehension of any person who shall be found trading as a hawker or pedler without license, or contrary to the terms of his license, in violation of the provisions of this act.

Sec. 7. It shall be the duty of such justice, if a sufficient license to authorize such trading be not produced to him, and the fact of trading be proved to him, either by

When convicted

the confession of the person so apprehended or the oath of competent witnesses, to convict the offender of such offences against this act as shall be so confessed or proven, and to issue his warrant on each conviction, directed to some constable of the county in which the conviction shall be had, commanding such constable to cause the sum of twenty-five dollars, with cost not to exceed five dollars, to be forthwith levied by distress and sale at public vendue of the goods, wares, and merchandize of the offender.

Sec. 8. In every case of a prosecution against any person, for the recovery of any penalty given in this act, no

When defendant not entitled to costs.

costs shall be allowed to the defendant, if it shall appear that before the commencement of the prosecution such defendant had refused to produce his license when lawfully required, nor in such case shall the defendant be entitled to maintain any action against the person prosecuting him, or the constable or other persons by whom he may have

been apprehended, or the justice issuing any warrant or other process against him, or before whom he may have been tried, for any of their acts in so prosecuting, apprehending, or trying him.

Limitation of prosecution.

Sec. 9. No suit or prosecution for the recovery of any penalty imposed by the provisions of this act, shall be maintained unless it shall appear that the same was brought within sixty days after the commission of the offence charged.

Sec. 10. This act shall take effect and be enforced from and after the first day of May, A. D., 1852.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 16, 1852.
LEONARD J. FARWELL.
[*Published May* 19, 1852.]

An Act relating to Sheep.

Chap 387

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Proceedings in case of diseased sheep running at large.

Section 1. If the owner of any diseased sheep infected with contagious disease, shall suffer or permit such diseased sheep or any of them to go at large out of his enclosure any season of the year, such person shall forfeit the sum of five dollars for each and every such sheep, to the person who shall enter complaint, for each time they shall be so found running at large, which forfeiture may be recovered by action of debt before any justice of the peace of the county where such offence shall have been committed, when such justice shall have jurisdiction of the case to the amount claimed, and when a justice of the peace shall not have jurisdiction, the same may be sued for and recovered in an action of debt in the circuit or county court of the proper county, with costs of suit. And if the owner of such diseased sheep shall, upon reasonable request, refuse or neglect to keep and restrain them from going or running at large, it shall be lawful for any person who may be the owner of any sheep and likely to be injured thereby, to take up said sheep and put them in some secure enclosure other than the public pound; and the same may be disposed of in the manner hereinafter provided. It shall be the duty of the person so taking up said sheep, within

the first Saturday of June next, at the house of Frederick Sanders.

Sec. 3. This act shall take effect and be in force from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 16, 1852.
LEONARD J. FARWELL.

[*Published, June* 9, 1852.]

Chap 390

An Act in reference to appeals from Justice Courts.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

When appellant to recover costs.

Section 1. Any person in whose favor a judgment shall be rendered by a court held by a justice of the peace, and appealing therefrom, shall recover costs on such appeal: *Provided*, The said judgment, excluding costs, shall be reduced by the appellate court ten dollars.

When not to recover costs.

Sec. 2. Any person in whose favor a judgment shall be rendered by a court held by a justice of the peace, and appealing therefrom, shall not on such appeal recover costs in the appellate court, unless he shall therein recover a judgment exceeding by at least ten dollars the judgment appealed from, exclusive of costs.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 16, 1852.
LEONARD J. FARWELL.

[*Published June* 2, 1852.]

Chap 391

An Act to incorporate the Waukesha Manufacturing Company.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Created a body corporate.

Section 1. That all such persons as shall become stockholders to the capital stock hereinafter mentioned, their successors and assigns, shall be and are hereby constituted and made a body politic and corporate by the name and style of the "Waukesha Manufacturing Company," and by that name shall be capable in law of suing and being

lays, such ram shall be forfeited to the person so taking and posting the same.

J. McM. SHAFTER.
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 16, 1852.
LEONARD J. FARWELL.

[*Published June* 2, 1852.]

An Act to declare a certain State Road a lawful highway.

Chap 388

The people of the State of Wisconsin represented in nate and Assembly, do enact as follows:

Section 1. That so much of the state road leading from anchester in Calumet county to the village of Sheboygan Sheboygan county, lying and situated in the county of lumet, is declared a lawful highway. Declared highway.

Sec. 2. This act shall take effect from and after its passge.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 16, 1852.
LEONARD J. FARWELL.

[*Published June* 9, 1852.]

Act altering the boundaries of the Town of Lansing in Outagamie County, and organizing the Town of Freedom in said County.

Chap 389

The people of the State of Wisconsin represented in nate and Assembly, do enact as follows:

Section 1. The town of Lansing in Outagamie county, ll consist of the townships numbers twenty-two and nty-three, range seventeen east. Town of Lansing.

Sec. 2. That township twenty-two, range eighteen east, l all that part of township twenty-three, range eighteen , not included in the Oneida reservation, and all that t of township twenty-two, range nineteen east, bounded he north by the south line of the Oneida reservation, t and south by the west and south lines of said town- twenty-two, and east by the east lines of sections 9, 21, 28, 33, in said township, shall constitute the town Freedom, and the first town meeting shall be held on Town of Freedom.

the first Saturday of June next, at the house of Frederick Sanders.

Sec. 3. This act shall take effect and be in force from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 16, 1852.
LEONARD J. FARWELL.

[*Published, June* 9, 1852.]

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Section 1. Any person in whose favor a judgment shall be rendered by a court held by a justice of the peace, and appealing therefrom, shall recover costs on such appeal: *Provided*, The said judgment, excluding costs, shall be reduced by the appellate court ten dollars.

When not to recover costs.

Sec. 2. Any person in whose favor a judgment shall be rendered by a court held by a justice of the peace, and appealing therefrom, shall not on such appeal recover costs in the appellate court, unless he shall therein recover a judgment exceeding by at least ten dollars the judgment appealed from, exclusive of costs.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 16, 1852.
LEONARD J. FARWELL.

[*Published June* 2, 1852.]

Chap 391 An Act to incorporate the Waukesha Manufacturing Company.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Created a body corporate.

Section 1. That all such persons as shall become stockholders to the capital stock hereinafter mentioned, their successors and assigns, shall be and are hereby constituted and made a body politic and corporate by the name and style of the "Waukesha Manufacturing Company," and by that name shall be capable in law of suing and being

Sec. 8. The stockholders shall be liable in their individual capacity for all debts contracted by said company. Individual liability.

Sec. 9. This act shall take effect and be in force from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.
[*Published June 22, 1852.*]

An Act to incorporate the Racine, Janesville, and Mississippi Rail Road Company.

Chap 392

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. Charles S. Wright, Marshall M. Strong, Samuel G. Bugh, James Catton, Peter Campbell, Henry S. Durand, James H. Earnest, John Dickson, Daniel Lawson, William J. Allen, S. S. Barlow, James Neil, and Wm. A. Lawrence, shall be and they are hereby appointed commissioners, under the direction of a majority of whom, subscriptions may be received to the capital stock of the Racine, Janesville and Mississippi Rail Road Company, hereby incorporated, and they may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days' notice of the times and places by publishing the same in one newspaper printed at Madison, and one in the village of Janesville, and one in the city of Racine. Commissioners.

Sec. 2. The capital stock of said company shall be three million dollars, in shares of one hundred dollars each, and as soon as three hundred shares of stock shall be subscribed, and five dollars on each share actually paid in, the subscribers of such stock with such other persons as shall associate with them for that purpose, their successors and assigns, shall be, and they are hereby declared and created a body corporate and politic, by the name and style of the "Racine, Janesville and Mississippi Rail Road Company," with perpetual succession, and by that name shall have all the privileges, franchises, and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing, and conveying estate, real, personal, or mixed, so far as the same may be necessary for the purposes hereinafter mentioned; and in their corporate name Capital stock. Created body corporate.

case of absence of the president on any occasion the directors present may elect a president, *pro tem.* The president shall in addition to the aforesaid duties perform such other acts as the board may direct. Said directors may convene at such time or times as they may deem proper: *Provided*, That all meetings for the transaction of business for the company shall be held at their office, which shall be located in the town of Waukesha; they may call special meetings of the stockholders at any time on giving ten days' notice in some newspaper published in the county of Waukesha; they shall have power to elect a treasurer and secretary and such other officers as they may deem necessary for the convenient transaction of the business of the company, and may remove the same at pleasure; they may fix the compensation and define the duties of all officers; they shall have power to decide the time, manner, and proportions in which the stockholders shall pay the money due on their respective shares, and to forfeit to the use of the company the share or shares of any person failing to pay any installment so required at a reasonable period, not less than thirty days after the time by them appointed for the payment thereof, and may adopt all necessary by-laws for the regulation and management of the company.

Proviso.

Elections.

Sec. 6. All elections for directors shall be held at the office of the company on the first Monday of May in each year: *Provided*, That if from any cause an election shall not be held at the regular time specified therefor, the same may be held at any other time on thirty days' notice being given to the stockholders, and until such election the directors of the preceding year shall continue to act, and the charter shall not be avoided by reason of any irregularity or want of such election: *And provided also*, That in case of a vacancy from the death or resignation of any director, his place shall be filled by the board of directors.

Proviso.

Subscriptions how taken.

Sec. 7. Books for subscriptions to the capital stock of said company shall be opened at the office of William S. Hawkins, in the town of Waukesha, on the first Monday of May next, under the inspection of Morris D. Cutler, William S. Hawkins, and Gordius H. Barstow, who are hereby constituted a board of commissioners for that purpose, a majority of whom may keep said books open from day to day until at least twenty thousand dollars of said stock be subscribed for; whereupon the said commissioners shall deliver to the subscribers for said stock said books, and the said subscribers shall proceed to elect the board of directors as is provided in section four of this act.

Sec. 8. The stockholders shall be liable in their individual capacity for all debts contracted by said company. Individual liability.

Sec. 9. This act shall take effect and be in force from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

[*Published June* 22, 1852.]

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Sec. 2. The capital stock of said company shall be three million dollars, in shares of one hundred dollars each, and so soon as three hundred shares of stock shall be subscribed, and five dollars on each share actually paid in, the subscribers of such stock with such other persons as shall associate with them for that purpose, their successors and assigns, shall be, and they are hereby declared and created a body corporate and politic, by the name and style of the "Racine, Janesville and Mississippi Rail Road Company," with perpetual succession, and by that name shall have all the privileges, franchises, and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing, and conveying estate, real, personal, and mixed, so far as the same may be necessary for the purposes hereinafter mentioned; and in their corporate name Capital stock. Created body corporate.

may sue and be sued, plead and be impleaded, may have a common seal and may alter the same at pleasure, and generally may do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of said corporation.

To call meeting

Sec. 3. The said commissioners, or a majority of them, after said three hundred shares of stock shall have been subscribed as aforesaid, shall give at least thirty days' notice in the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers or stockholders to meet for the purpose of electing thirteen directors, and annually thereafter the said stockholders shall meet on the third Wednesday of January for the purpose of electing directors as aforesaid, upon a like previous notice to be given as aforesaid: *Provided*, That previous to the first election, the commissioners hereinbefore named shall elect one of their number president, and they shall perform all the duties and be invested with all the powers of directors: *And provided*, That if from any cause an election shall not be held at the regular time specified therefor, the same may be held at any other time, on notice as aforesaid; that until such election, the directors of the preceding year shall continue to act, and that this charter shall not be avoided by reason of the irregularity or want of such election: *And provided also*, That in case of vacancy from the death, removal, or resignation of any director, his place may be filled by a majority of the board of directors.

Proviso

Board of directors.

Sec. 4. The affairs of said corporation shall be managed by a board of thirteen directors, who shall be chosen annually by ballot, on the days hereinbefore prescribed, by the stockholders of said company, the votes to be delivered in person or by proxy duly authorized, which directors shall appoint one of their number to be president, and shall respectively serve for one year, or until other directors are elected; they shall have power to make and establish such by-laws, rules, and regulations not inconsistent with the constitution and laws of this state, as may be necessary for the well ordering the affairs of said company.

Each share of stock entitled to one vote.

Sec. 5. None but stockholders shall be elected directors, and at every election, and in all cases where stockholders shall be called upon to vote, each share of stock shall be entitled to one vote, and in all cases of election of directors, the thirteen stockholders having the highest number of votes shall be declared elected.

Powers of directors.

Sec. 6. The said directors shall meet at such times and places, and be convened in such manner as they may hen-

ter decide upon. A majority of said directors shall be a
orum for the transaction of business, who in the absence
the president shall appoint a president *pro tem.* The
id directors shall appoint a secretary, treasurer, and such
gineers and other officers as they may find necessary;
id they shall have full power to fix the compensation of
l officers or agents, and may demand adequate security
r the performance of their respective trusts; they shall
cide the time and manner and proportions in which the
id stockholders shall pay the money due on their respec-
e shares, and forfeit to the use of the company the share
shares of every person or persons failing to pay any in-
llment so required, at a reasonable period, not less than
ty days after the time by them appointed for the pay-
nt thereof; they shall have full power to regulate tolls,
make such covenants, contracts, and agreements with
y person, co-partnership, or body politic whatsoever, as
construction and management of the works and the
venience and interest of the company may require, and
general to superintend and direct all the operations, re-
pts, disbursements, and other proceedings of the com-
y: *Provided*, That no installment called in at any one Proviso.
e shall exceed twelve dollars per share, and that no in-
lment shall be called for by the directors without at
st thirty days' notice thereof in the newspapers herein-
ore named.

EC. 7. The directors chosen as aforesaid, shall issue a To issue certifi-
ificate to each stockholder for the number of shares he cates.
he may subscribe for or hold in said corporation, sign-
by the president and countersigned by the secretary,
sealed with the common seal, subject, however, to all
ments due or to become thereon, which stock shall be
sferable in person or by attorney, executors, adminis-
ors, guardians, or trustees, under such regulations as
be provided for in the by-laws of said company.

EC. 8. At each annual meeting of the stockholders To exhibit state-
he purpose of electing directors, the directors of the ment.
eding year shall exhibit to them a complete statement
he affairs and doings of the company for such year;
special meetings of the stockholders may be called by
r of the directors, or by stockholders holding one-
h of the capital stock on like notice as that required
nnual meetings, specifying moreover the object of such
ing; but no business shall be transacted at such spe-
meeting, unless a majority in value of the stockhold-
hall attend in person or by proxy.

C. 9. The said company shall have power to locate

Route of road. and construct a single or double track railroad from the city of Racine, in the county of Racine, via the village of Janesville, through the counties of Rock, Green, LaFayette, and Grant, to the Mississippi river; and shall have power to transport, take and carry property and persons upon the same by power and force of steam, of animals, or of any mechanical or other power, or by any combination of them; and they shall also have power to make, conduct, and erect all such side tracks, turn-outs, and connecting tracks, and also such warehouses, toll houses, machine shops, carriages, cars, and other works and appendages, as may be necessary for the convenience of the company for the use of the said rail road, and also to connect said rail road, and operate the same with other rail roads and branch rail roads in the state of Wisconsin, and consolidate the capital stock of the said company with the capital stock of any rail road company with which the road of the said companies shall intersect, and shall have the power to place the road of this company and its capital stock so consolidated, under the direction of a joint board of directors to be chosen on such terms as the directors of the companies consolidating their capital stock shall agree upon.

How charter forfeited: SEC. 10. If said corporation shall not within five years from the passage of this act commence the construction of said rail road, and shall not within ten years complete the same, then the rights, privileges, and powers of said corporation under this act shall be void.

May enter upon lands. SEC. 11. It shall be lawful for said company, their officers, engineers, and agents, to enter upon any land for the purpose of exploring, surveying, and locating the route of said road, doing thereto no unnecessary damage; and when the said route shall be determined by the said company, it shall be lawful for them, their agents, officers, engineers, contractors, and servants, at any time, to enter upon, take possession of, and use such lands, not exceeding one hundred and thirty feet in width, along the line of said road, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or such as shall be ascertained in the manner hereinafter directed and provided in such cases respectively; and said company are further authorized by their officers, engineers, agents, and servants, to enter upon lands adjacent to the rail road and beyond the limits of one hundred and thirty feet, in the manner provided in this act, when necessary for the purpose of erecting depot buildings, station houses, and necessary structures for the operation and for the business of said road.

d for the purpose of making drains and giving a proper rection to water courses across or along said road, when the me are necessary beyond the limits of said road, and to move all substances and things which might endanger, struct or interfere with the free use of said road, and to posit earth, gravel, and stone taken from cuts, and to ob- n earth, gravel, stone and other materials for embank- nts and structures necessary to the construction and re- irs of said road, doing, however, no unnecessary dam- e, and all lands so acquired, and all damages which shall done to any lands or property under the provisions of s section, shall be ascertained and paid for in the man- r and agreeably to the provision hereinafter provided; d when such damage shall have been paid for, or tend- d, the title of the land occupied by such fixtures, exca- ti ns and embankments, shall vest in fee simple in said mpany.

How damages settled.

Sec. 12. When the said c rporation cannot agree with owner or owners of such required land, for the pur- se thereof, or as to the compensation to be paid there- , or when by reason of the legal incapacity, or absence any such owner or owners, no such agreement or pur- se can be made, then, and in that case, it shall be law- for any judge of the supreme court of this state, on ap- ation of the said company, and at the cost and charge said company, to appoint three disinterested persons re- ng in the counties through which the said road runs, se duty it shall be to view and examine the lands so n, with the buildings and improvements, if any there- and to estimate the value of the land so taken or re- ed by the said company, and all damages which the er or owners there of shall sustain or may have sustain- y reason of the taking of the same for the construction use of said road or works appertaining thereto, taking consideration the advantages as well as the disadvan- s of the same by means of the construction and oper- n of said road to the said owner or owners; and it be the duty of the said company to give three weeks' e of their application to the judge of the supreme t for the appointment of the said commissioners, to be ished for three successive weeks in a newspaper pub- d at the capital of the state, and also in a newspaper, re shall be any published, in each of the counties gh which said road may be located, and the affidavit e publisher or printer shall be legal evidence of such cation; and the persons so appointed, before enter- pon the discharge of such duties, shall take an oath

before some justice of the peace or other person competent to administer oaths, faithfully and according to the best of their abilities, to examine the land so taken or required by said company, and impartially to estimate and appraise the value of the same and the damage or injury which the owner or owners thereof shall have sustained, or may sustain by reason of the taking and using thereof by the said company, over and above the benefits and advantages which such owner or owners shall derive from the construction of such rail road; whereupon such commissioners shall proceed to examine the premises and estimate the value of such land, and the amount of damage, if any, over and above the benefits and advantages which may accrue to such owner or owners as aforesaid, and shall make a report in writing of such valuation, under their hands and seals, to the circuit court of the county where the land lies, and shall return the same within thirty days after their appointment, to the clerk of the circuit court of the county in which they reside, and it shall be the duty of the said clerk to file the same; and in case no appeal shall be made within thirty days after the filing of said reports as hereinafter provided, then the said clerk shall record the same at the expense of the said company, and judgment of the said court shall be entered thereon, on motion of either party, at any term of said court: *Provided*, Proviso. That either party may appeal to said court within thirty days after said report shall have been filed in the clerk's office, and such appeal shall be tried in the same manner as other issues are tried in said court, and the jury empannelled to try the same shall find the value of the land so taken or required by said company, and the damages which the owner or owners thereof shall have sustained or may sustain by the taking of the same, over and above the benefits which will accrue to such owner or owners from the construction of such rail road, and judgment of court shall be entered accordingly: *Provided also*, That it shall not be lawful for the said commissioners or said court to proceed in the assessment of damages, or in the valuation of any lands or materials as aforesaid, in the absence of the owner or owners thereof, his, her, or their agents or attorneys, unless it shall be shown to them by competent testimony that the said owner or owners have had at least five days' notice of the time and place at which such assessment or valuation was to be made, or that the said owner or owners are absent from the state of Wisconsin; and if the said owner or owners shall be minors, or *non com-*

ntis, or absent from the state, the service of notice may e made on the guardian or trustee, if there be any, or in uch manner as the court may direct: *Provided also*, That pon the making and filing of any report as aforesaid, and ayment or legal tender of the amount of any valuation or ppraisal specified therein to the owner or owners of any ich lands, his, her, or their legal representatives, the said ompany, their agents, or the contractor for making or re-airing said rail road, may immediately take and use the me without awaiting the issue of any appeal brought ereon.

Company entitled to land.

Sec. 13. Whenever any judgment shall have been entered as hereinbefore provided, for the value of any lands, for any damages for the taking and using of the same, d the amount specified in such judgment shall have en paid or tendered to the owner or owners of such nds, his, her, or their legal representatives, the said comny shall be entitled to the easement of the same so long it shall be used as the track of said rail road; and if h valuation be not received when tendered, it may at y time thereafter be received, or may be collected from d company by action at law, at the cost and expense of person or persons entitled to the same: *Provided*, That cost of any proceedings and judgments specified in the t preceding section shall be taxed by the court and paid said company, except in cases where upon appeal the dict of the jury shall be for the same or a less sum than t reported by the said commissioners.

Proviso.

Not to obstruct highway.

Sec. 14. The said rail road shall be so constructed as to impede or obstruct the free use and passage of any lic road or roads which may cross the same, and in all ces where such rail road may cross, or in any way inere with any public road, it shall be the duty of said pany to make or cause to be made a sufficient cause-or passageway to enable all persons traveling such lic road to pass over or under such rail road without nvenience: *Provided*, That in cases where said rail may cross or come in contact with any public or pri- road so as to occupy any part of such road, it shall be ful for said company to construct said rail road across pon such road, after altering and putting the same in ood condition as before, and for that purpose the said pany shall previous to occupying any part of such road, truct a new road, in part or in whole, as may be neces-, on ground adjacent to such road, and in every re-t complete such newly constructed road or part of a so interfered with, as substantially as it was previous

Proviso.

to the disturbance and occupancy thereof by said company.

To make passage.

SEC. 15. For the convenience of persons owning or possessing lands through which said rail road shall pass, it shall be the duty of said company when required, to make a good and sufficient passage over or under said rail road, whenever the same may be necessary to enable the occupants of said lands to pass over or under the same with wagons, carts, and implements of husbandry as occasion may require: *Provided*, That said company shall in no case be required to make more than one such passage way for each farm; and when any public road shall cross said rail road in any farm, the person owning or possessing said farm shall not be entitled to require said company to make any additional causeway.

Proviso.

Public act.

SEC. 16. This act shall be construed favorably to effect the purpose hereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state of Wisconsin, shall be received in evidence thereof.

Penalty for damage to road.

SEC. 17. Any person who shall willfully and maliciously place any obstruction or thing upon the track of said road, or shall remove or damage any part thereof, in such a manner that the engine or cars may be impeded or thrown off the track, shall be guilty of a misdemeanor whether such result shall happen or not, and shall be punished for every such offence by imprisonment in the state prison for a term of not less than one nor more than five years at the discretion of the court, and in case any damage shall result from the placing such obstructions, or injury to said road, said party shall be liable to pay all such damages to said company, and to any other person damaged or injured thereby, and in case any accident shall happen in consequence of placing such obstructions, or in consequence of breaking or injuring said road, whereby death may be produced, the party so offending shall be adjudged guilty of murder in the first degree, and shall be punished accordingly to the law in such cases made and provided.

May borrow money.

SEC. 18. The said rail road company are hereby authorized and fully empowered in their corporate name and capacity to borrow any sum or sums of money from any persons, corporations, or body politic of any kind, and at any rate of interest which may be agreed upon by and between said company, and any person or party of whom such money may be obtained, and make and execute in their corporate name all necessary writings, notes, drafts, bonds or other papers, and make, execute, and deliver such securities in amount and kind, as may be deemed expedient

y said corporation, any law on the subject of usury in his state or any other state where such transaction may be ade to the contrary notwithstanding; and the powers of id corporation, for the purposes aforesaid, and for all urposes necessary to carrying out the objects of said com- any, namely: the construction of a rail road from Racine the county of Racine, by the way of the village of ansville, in the county of Rock, through the counties of ock, Green, LaFayette, and Grant, to the Mississippi iver, and the contracts and official acts of said company, e hereby declared binding, in law and equity, upon said rporation, and all other parties to said contracts.

When act to take effect.

Sec. 19. This act shall be in force from and after its ssage; and it shall be lawful for said company to pur- ase lands adjoining or adjacent to said rail road, for the rpose of procuring earth, gravel, stone, or other mate- als for the construction and repair of said road or build- gs and fixtures connected therewith, and whenever such nds shall no longer be needed for the purposes aforesaid, e said company are hereby authorized to sell and convey e same.

To deposit amount of damages.

Sec. 20. In case there shall be incumbrances upon the nd taken as hereinbefore provided, it shall be sufficient the said company to deposit the amount of damages as- sed as hereinbefore provided, with the clerk of the circuit rt of the county where the land lies, to be paid over by said clerk to the owner of said land or his lawfully au- rized agent, upon the removal of the said incumbrances.

J. McM. SHAFTER,
Speaker of the Assembly.

E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 17, 1852.

LEONARD J. FARWELL.

[*Published July* 6, 1852.]

Act to amend sections eighty two and eighty three of chapter eighty-four of the Revised Statutes.

Chap 393

The people of the State of Wisconsin represented in ate and Assembly, do enact as follows:

Sales by whom made.

ECTION 1. That section eighty-two of chapter eighty- r of the revised statutes is hereby amended so as to read follows: "All sales of mortgaged premises under the ree of the court, shall be made by the sheriff or such er person as shall be named in the decree of sale as a mmissioner for that purpose, in the county where the

premises, or some part of them are situated, unless otherwise directed in the decree of sale.

By whom deed executed.

Sec. 2. That section eighty-three of chapter eighty-four of the revised statutes is hereby amended so as to read as follows: Deeds shall thereupon be executed by such sheriff or other person as shall have been named in the decree of sale as a commissioner for that purpose, which shall vest in the purchaser the same estate and no other or greater than would have vested in the mortgagee, if the equity of redemption had been foreclosed, and such deeds shall be as valid as if the same were executed by the mortgagor and mortgagee, and shall be an entire bar against each of them, and against all parties to the suit in which the decree for such sale was made, and against their heirs respectively, and all claiming under such heirs, and against all persons claiming under either of the parties to the suit by any conveyance or instrument subsequent to the commencement of such suit.

Sales legalized.

Sec. 3. All sales heretofore made by any person appointed by the court for that purpose, other than the sheriff of the proper county, and the deeds executed thereon by virtue of the provisions of said sections eighty-two and eighty-three, are hereby declared to be as valid to all intents and purposes as if the said sales had been made and the deeds executed by the sheriff of the proper county.

Compensation.

Sec. 4. The following fees shall be allowed to the officer or person making such sale, in full for all services required to be performed in executing such decree, viz: for making sale, when the amount of the decree does not exceed five hundred dollars, the sum of five dollars; when the amount of the decree exceeds five hundred dollars and less than one thousand dollars, the sum of eight dollars; and when the amount of the decree exceeds one thousand dollars, the sum of ten dollars; for drawing, executing and acknowleding the deed, the sum of three dollars; for making the report of sale in each case, three dollars; for drawing advertisement of sale, one dollar; for travel performed in making such sale, to be computed from the court house, five cents per mile, going and returning.

J. McM. SHAFTER,
Speaker of the Assembly.

E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 17, 1852,
LEONARD J. FARWELL.

[*Published, June 2, 1852.*]

An Act to appropriate to S. O. Bennett the sum therein named. Chap 394

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to S. O. Bennett, out of any money in the state treasury not otherwise appropriated, the sum of twenty-five dollars in full for territorial script numbers 186, 616, and 713, issued February 19th, 1842, to meet the current expenses of the legislative assembly of said year.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

An Act to provide for the organization of a separate Supreme Court, and for the election of Justices thereof. Chap 395

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. On the last Monday of September next after the passage of this act there shall be held in the several towns and wards of this state, an election for one chief justice and two associate justices of the supreme court of this state, hereby established. Such election shall be notified and conducted, and the votes shall be canvassed and the result determined and certified by the officers or persons, and in the same manner provided by law for the holding of elections, canvassing the votes, and determining and certifying the result of elections for state officers of this state, and all laws of this state to provide for and prescribing the manner of holding and conducting elections for state officers and the qualifications of electors, and all laws designed to preserve the purity of elections in this state, shall be deemed and held in force and applicable to the election provided for by this act. Judicial election

Sec. 2. Each of the persons who shall, at the election provided for by this act, be elected to the office of chief justice or to the office of associate justice of the supreme court shall, before entering upon the discharge of his official duties, subscribe and take the official oath prescribed by the constitution, before some officer authorized by law to administer oaths, which oath, so taken, subscribed and certified by the officer administering the same, shall be filed in the office of the secretary of state. Oath of office.

Terms of office.

Sec. 3. The term of office of the chief justice and associate justices who shall be elected in pursuance of the provisions of this act, shall commence on the first day of June, in the year of our Lord one thousand eight hundred and fifty-three, and the term of office of the chief justice shall expire with the last day of May, one thousand eight hundred and fifty-seven; the term of office of one of the associate justices shall expire with the last day of May, one thousand eight hundred and fifty-five; that of the other associate justice shall expire with the last day of May, one thousand eight hundred and fifty-nine; and it shall be decided by lot between the two associate justices whose term of office shall first expire, such lot to be drawn or cast in in the presence of the chief justice, who shall prescribe the manner thereof, superintend the same, and make and file in the office of the secretary of state a certificate of the result.

When present supreme court to terminate.

Sec. 4. From and after the first day of June, 1853, the present supreme court of this state shall be discontinued, and on that day, and thenceforward, the supreme court provided for and established by this act shall have, possess, and exercise, and is hereby invested with all the powers privileges, and jurisdiction now possessed, held, and exercised by the present supreme court of this state, and the said supreme court hereby established, and the chief justice and associate justices thereof shall, on and from that day, be subject to all the duties and liabilities to which the present supreme court and the judges thereof as such, are subject by the constitution and laws of this state, and the said chief justice and associate justices of the supreme court hereby established, shall hold the terms of the supreme court, after the said first day of June, 1853, at the times and places provided by law for holding the terms of the supreme court of this state, and all causes, suits, and proceedings at law or in equity, which may be pending and undetermined in the present supreme court on the said first day of June, 1853, shall be and hereby are transferred therefrom into the supreme court established by this act, to be there proceeded in the same as if originally commenced in the supreme court hereby established; and the rules and practice in the present supreme court, as the same shall exist on the first day of June, 1853, shall be the rules and practice of the supreme court hereby established, until the same shall be lawfully changed, modified, or abrogated.

Clerk.

Sec. 5. It shall be the duty of the said chief justice and associate justices, or a majority thereof, to appoint a

clerk of the supreme court hereby established, on or before the first day of June, 1853, and such clerk shall, on the said first day of June, 1853, qualify and enter upon the discharge of his duties, and the clerk of the present supreme court shall immediately thereafter surrender up and deliver over to the clerk of the supreme court hereby established all books, records, pleadings, writs, and papers whatsoever, and also, all moneys, evidences of debt, and other property whatsoever, which he may then, in his official capacity as such clerk, have in his possession, or under his control, and any books, records, processes, pleadings, or other papers, which may then be in the possession of either of the judges of the present supreme court, as such shall be by the judge having the possession thereof, delivered over to the clerk of the supreme court hereby established, and if the clerk or either of the judges of the present supreme court shall refuse or unreasonably neglect to so surrender up or deliver over any such book, record, pleading, proceeding, process, or other paper, or any money, evidence of debt, or other property, to the clerk of the supreme court hereby established, the person so refusing or neglecting, shall be deemed guilty of a misdemeanor; and the clerk of the supreme court hereby established, for the purpose of recovering the possession of any such books, records, processes, pleadings, papers, or money, evidence of debt, or property of either the clerk or any judge of the present supreme court, may institute and maintain proceedings under chapter 123 of the revised statutes. The clerk of the present supreme court shall be and remain the clerk of said supreme court until another is appointed.

Sec. 6. The chief justice and each of the associate justices of the supreme court hereby established, shall be entitled to receive a salary of two thousand dollars per annum, payable in quarterly installments, and the clerk of the said supreme court shall be entitled to receive for his services such fees as may, on the said first day of June, 1853, and thereafter be prescribed by law for the clerk of the supreme court. Salary.

Sec. 7. On the last Monday of September next preceding the time at which the term of the chief justice or of either of the associate justice of the supreme court will expire, an election shall be held in the several towns and wards of this state, for a chief justice or associate justice, as the case may be, whose term of office shall commence on the first day of June next thereafter. The election and the canvas and return of votes cast shall be sub- Election.

ject to all the provisions above made in reference to elections and the canvasing and return of votes.

SEC. 8. This act shall be published and take effect immediately after the passage thereof.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

[*Published May* 26, 1852.]

Chap 396

An Act to appropriate to Bunner & Harrison the sum therein named.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Bunner & Harrison, out of any money in the treasury not otherwise appropriated, the sum of twenty-five dollars in full for printing five hundred copies of the governor's message in the Welsh language.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

Chap 397

An Act to appropriate money to pay the per diem of Members and of the Officers of the Legislature.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriatedto the lieutenant governor the sum of one hundred and eighty-five dollars, to be paid out of any money in the treasury not otherwise appropriated, in full for his per diem as president of the senate up to and including the 19th day of April, A. D. 1852; to the speaker of the assembly, the sum of ninety-two dollars and fifty cents as per diem as speaker, and ninety-two dollars and fifty cents as per diem pay, as mem ber of the assembly; to each member of the senate and assembly, the sum of ninety-two dollars and fifty cents, for their per diem pay up to and including the 19th day of April, A. D. 1852.

Lt Governor.

Sec. 2. There is hereby appropriated to the chief clerk of the assembly the sum of nine hundred and three dollars, being the balance in full for his services as chief clerk, and for the services of the assistant clerks employed by him in enrolling, engrossing, and transcribing, up to and including the 19th day of April, A. D. 1852, and also the sum of one hundred dollars, as contingent expenses for clerk hire, and also, in full payment for preparing the journals of the assembly, and arranging the proper appendix thereto for publication. Chief clerk assembly.

Sec. 3. There is hereby appropriated to the chief clerk of the senate the sum of nine hundred and and fourteen dollars, it being balance in full for his services as chief clerk and for the services of the assistant clerks employed by him, and for engrossing, enrolling, and transcribing during the present session of the legislature up to and including the 19th day of April, A. D. 1852, and also in full payment for preparing the journal of the senate for publication and arranging the index thereto. Chief clerk senate.

Sec. 4. There is hereby appropriated to the sergeant-at-arms of the assembly the sum of eight hundred and forty-three dollars, in full payment for his services and those employed under him during the present session of the legislature. Sergeant at-arms assembly.

Sec. 5. There is hereby appropriated to the sergeant-at-arms of the senate the sum of five hundred and forty-eight dollars in full payment for his services and those employed by him during the present session of the legislature. Sergeant at-arms senate.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

An Act to pay the additional interest accrued upon canal bonds numbers 55 and 56 issued by the Territory of Wisconsin. **Chap 398**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That there is hereby appropriated to Joel Rathbone, out of any money in the treasury not otherwise appropriated, the following sums, to wit: for interest on said bonds from the 20th day of June, 1851, to the 20th day of April, 1852, the sum of one hundred and twenty-one dollars and seventy-five cents; for exchange on bank of America, in the city of New York, where said bonds and interest

are payable, the sum of twenty-one dollars and ninety-one cents.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved April 14, 1852.
LEONARD J. FARWELL.

Chap 399 An Act to appropriate to Mathias Martin the sum therein named.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Mathias Martin, out of any money in the treasury not otherwise appropriated, the sum of ten dollars, in full for paste furnished for the present legislature.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

Chap 400 An Act to appropriate to William Doughty the sum of money therein enacted

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to William Doughty the sum of three hundred and nine dollars and twenty-six cents, it being in full for interest on bonds number 32, 33, 34, 35, and 36, dated March 15th, 1841, and the coupons attached, from June 15th, 1851, to February 16th, 1852, and for exchanges and costs of collection in full.

J. McM. SHAFTER.
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved April 17, 1852.
LEONARD J. FARWELL.

An Act for the relief of Dane County. **Chap 401**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. The secretary of state is hereby authorized to credit the county of Dane with the sum of one hundred seventy-three dollars and sixty eight cents, overcharged of state taxes for the year 1851, occasioned by error in footing the assessments of that year for the town of Madison. Secretary of state to credit taxes overcharged.

Sec. 2. The secretary shall certify the amount above stated to the state treasurer, and the same shall be allowed the county treasurer in settlement for the taxes of that year. To certify to treasurer.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

An Act for the encouragement of Agriculture and its kindred Arts in this State. **Chap 402**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to the Wisconsin State Agricultural Society, the sum of five hundred dollars, to be expended by said society in such manner as it may deem best calculated to promote and improve the condition of agriculture, horticulture, and the mechanical, manufacturing, and household arts in this state, either for the payment of premiums at its next annual fair, or in the purchase and distribution of choice seeds and plants which have been tested and found adapted to the soil and climate of this state. Money appropriated.

Sec. 2. It shall be the duty of the executive committee of said Wisconsin State Agricultural Society, to keep an accurate account of the manner of expenditure of the said sum of money hereby appropriated, and transmit the same together with the vouchers therefor to the Governor of this state, in the month of December next, to be by him laid before the legislature. Account to be kept.

Sec. 3. It shall also be the duty of the said executive committee of the Wisconsin State Agricultural Society, to collect, arrange, and collate all the information in their power, in relation to the preparation of soils, the cultivation and growth of crops, the management of stock, the To collect information.

application of manures, the introduction of new cereal grains, and other agricultural subjects, and report the same together with their own proceedings, to the Governor of this state, in the month of January next, to be by him laid before the legislature.

Sec. 4. This act shall take effect and be in force from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

[*Published, June* 22, 1852.]

Chap 403 An Act to authorize John M. Seward to construct and maintain a Dam.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That John M. Seward, his associates, successors, and assigns, are hereby authorized to construct and maintain a dam across Grand River, on the north-west quarter of section fourteen, town fourteen, range twelve.

May build dam.

Sec. 2. This act shall not be so construed as to release said Seward and his associates, their heirs and assigns, from any damage that any individual or individuals may sustain by the erection of said dam.

How act construed.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

Chap 404 An Act to provide for receiving and safe keeping of the set of Standard Weights and Measures, and to appropriate money to defray expenses.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Governor to provide for receiving weights and measures.

Section 1. The Governor of this state is hereby authorized and empowered to provide for receiving and safe keeping of the set of standard weights and measures now in the treasury department of the United States, subject to the order of this state.

Money appropriated.

Sec. 2. There is hereby appropriated to the Governor of this state such sum as may be necessary to defray the

expenses which may be incurred by him in executing the provisions of the first section of this act: *Provided*, The expense of the same shall not exceed fifty dollars, to be paid out of any money in the treasury not otherwise appropriated on the order of the Governor. Proviso.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

[*Published June 22, 1852.*]

An Act to provide for the contingent expenses of the State of Wisconsin, for the year one thousand eight hundred and fifty-two. **Chap 405**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of five thousand dollars is hereby appropriated to Leonard J. Farwell, Governor of this state, out of any money in the treasury not otherwise appropriated, for the purpose of defraying the contingent expenses of the state, for the year one thousand eight hundred and fifty-two, which sum shall be drawn from time to time as may be required; and the Governor shall communicate to the legislature, at its next session, a detailed account of such expenses for the year 1852, and the amount expended of this appropriation. Money appropriated.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

An Act for the relief of William Tucker. **Chap 406**

Whereas, William Tucker is the owner of valuable improvements situate upon lot number 8, of section 3, in town 2, north of range 7 east, of the university lands of this state, which improvements were made in good faith prior to the selection of said land; therefore, Preamble.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That the board of supervisors of the town of Monroe in Green county, are hereby appointed commis-

Commissioners to appraise land.

sioners to re-appraise lot number eight in township number two north, of range number seven, east, in the north-west quarter of section number three in Green county; and it shall be the duty of said board of supervisors to proceed to the appraisal of said lot on or before the first day of July next, according to the actual value thereof, and they shall file in the office of the secretary of state a certificate in writing by them subscribed, on or before the first day of August next, setting forth the actual value of said lot as by them appraised.

To sell lot.

Sec. 2. That the commissioners for the sale of the university lands of this state be and they are hereby authorized and directed to sell to William Tucker the lot described in section one of this act for the price and value which the commissioners mentioned in section one of this act shall fix in their appraisal, after deducting therefrom the amount already paid by said William Tucker: *Provided*, That the said William Tucker shall make his application for the purchase of said lot on or before the first day of September next.

Proviso.

Charges.

Sec. 3. The said William Tucker shall pay the commissioners provided for in this act their charges for making the appraisal aforesaid, and in no event shall any charge be made against the state for any such service.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

Chap 407

An Act to incorporate the Arena Bridge Company.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Commissioners.

Section 1. Gideon M. Ashmore, Moses M. Strong, Thomas J. Moorman, John Skinner, and J. H. Conkey, are hereby appointed commissioners under the direction of a majority of whom subscriptions may be received to the capital stock of the Arena Bridge Company, hereby incorporated, and said commissioners may open books to receive such subscriptions at such time and place as they may designate, and keep the same open until the stock of said company shall be subscribed.

Sec. 2. The capital stock of said company shall be divided into ten hundred shares of fifty dollars each, and

ıe subscribers to such stock and their successors and as- Created body corporate.
gns, shall be and they are hereby declared and created a
ıdy corporate and politic, by the name and style of the
Arena Bridge Company," with perpetual succession, and
y that name shall have all the privileges, franchises, and
ımunities incident to a corporation; they may in their
ırporate name sue and be sued, plead and be impleaded,
ıntract and be contracted with, answer and be answered
ıto; may have a common seal which they may alter,
eak, or renew at pleasure, and generally may do all and
ıgular the matters and things which to them it shall
wfully appertain to do for the well being of said corpo-
ion.

Sec. 3. Whenever the capital stock of said company
ıll be subscribed, said commissioners or a majority of To call meeting.
ım shall call a meeting of said stockholders for the pur-
se of electing three directors, and thereafter three direc-
s shall be chosen by the stockholders annually, at such
ıe and place and in such manner as shall be prescribed
the by-laws of said company. In all elections by the
kholders, they may vote in person or by proxy, and
ry share of stock shall be entitled to one vote.

Sec. 4. The directors for the time being shall manage
the affairs of said company, shall choose one of their
ıber president, and appoint such other officers and
nts as they may think necessary; they shall hold their Powers of directors.
es for one year and until other directors are elected,
make and establish such by-laws, rules, and regula-
s as they may think proper, not inconsistent with the
titution and laws of this state; they shall determine
time and manner and proportions in which the stock-
ers shall pay installments on their respective shares,
may forfeit to the use of the company any share upon
h such installment shall not be paid when due.

c. 5. The said company shall have power to erect,
tain, and keep in repair, a toll bridge across the Wis-
n river, from the south bank of said river at any point
may think proper, in section eight or nine in town May erect toll bridge.
of range five east, in the county of Iowa, to the
bank of said river, and to make use of any islands
d river, either in the construction of the bridge, or
road between the different parts of said bridge,
bridge may be built in different parts between the
shores and the islands contignous thereto, and after
bridge shall be completed, the said company shall
the right and authority to demand, receive, and col-
ll for passing the same as follows: for any vehicle

Sec. 7. This act shall take effect and be in force from and after the time the same is printed.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved April 17, 1852.
LEONARD J. FARWELL.

[*Published, June* 9, 1852.]

Chap 411 An Act to legalize the acts of Lyman H. Baldwin a Justice of the Peace.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Acts legalized.

Section 1. The acts of Lyman H. Baldwin, a justice of the peace for the town of Charleston, Calumet county, is hereby declared to be as valid as if the bond of the said justice had been filed according to law, all acts to the contrary notwithstanding.

Sec. 2. This act shall take effect from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

Chap 412 An Act authorizing and requiring the Superintendent of Schools of the town of Kendall, in the county of LaFayette, to distribute school money

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

To distribute school money.

Section 1. The superintendent of schools of the town of Kendall in the county of LaFayette, is hereby authorized and required on the first Monday in April, 1852, to distribute all money in his hands for school purposes to the several districts in said town, according to the number of children residing in each, who are over four and under twenty years of age.

Condition of apportionment.

Sec. 2. No money shall be apportioned to any school district unless it shall appear by the report of the clerk thereof, under oath, dated on the first day of April, 1852, that a school has been taught in said district three months during the year preceding, by a teacher duly qualified in all respects according to law.

nown as Centre avenue, in the town of Fort Winnebago, n the county of Columbia.

J. McM. SHAFTER,
Speaker of the Assembly.

E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 17, 1852.

LEONARD J. FARWELL.

[*Published June* 22, 1852.]

An Act to authorize Joseph F. Kirkland and his associates to build and maintain a Toll Bridge across the Sheboygan River, in the County of Sheboygan. **Chap 409**

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Section 1. That Joseph F. Kirkland, his associates and assigns, shall have power to build and maintain a float bridge across the Sheboygan river in the county of Sheboygan, at any point opposite block number three hundred and thirteen, (313,) in the village of Sheboygan. **May build bridge.**

Sec. 2. Said bridge shall not be less than sixteen feet in width, and shall contain a draw over the channel of said river not less than thirty feet wide, which shall be opened at all times for the passage of boats, rafts, or other craft free of charge, without unnecessary interruption or delay. **How built.**

Sec. 3. The said Joseph F. Kirkland, his associates and assigns, shall have power immediately after the completion of said bridge, to demand and collect tolls for passing over said bridge as follows: for any vehicle drawn by two horses, mules, or oxen, ten cents, and for each additional horse or ox, two cents; for any vehicle drawn by one horse, six cents; for a single horse, five cents; for horses and cattle in droves, three cents each; for hogs and sheep in droves, two cents each; for foot passengers two cents each. **Rates of toll.**

Sec. 4. Said Kirkland, his associates and assigns shall keep posted up in a conspicuous place on said bridge the rates of toll allowed by this act. **To post up rates of toll.**

Sec. 5. Any person or persons committing any malicious injury to said bridge, shall be liable to the said Kirkland, his associates and assigns, to the amount of injury done, and all damages sustained may be collected before any court having competent jurisdiction thereof, and upon **Penalty for injury to bridge.**

conviction thereof shall be punished in the manner prescribed by law for offences of that nature.

When completed. Sec. 6. Said bridge shall be completed within one year from the passage of this act.

Sec. 7. Any future legislature may alter, amend, or repeal this act.

Penalty for evading toll. Sec. 8. Any person or persons who shall forcibly or fraudulently pass over the said bridge without paying the legal toll, shall for each offence, forfeit the sum of two dollars to and for the use of said Joseph F. Kirkland, his associates and assigns, to be recovered in an action of trespass or trespass on the case before any court having competent jurisdiction.

Trustees may make bridge free Sec. 9. The board of trustees of the village of Sheboygan shall have power and authority to make and declare said bridge free, on first paying to the said Kirkland, his associates or assigns, the cost of the construction of the said bridge, and of the necessary fixtures thereof, and if the said Kirkland, his associates or assigns shall fail to build and complete said bridge within six months from the date of this act, then and in such case the board of trustees shall have authority to build and maintain a free bridge across the said river, whenever in their opinion the interests of the said village shall be best promoted thereby.

Sec. 10. This act shall take effect from and after its passage.

J. McM. SHAFTER.
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 17, 1852.

LEONARD J. FARWELL.

[*Published June 22, 1852.*]

Chap 410

An Act concerning Town Treasurers

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Treasurer to make statement Section 1. It shall be the duty of the town treasurer of each town in the several counties of this state, to make out in writing a statement of the amount of money by him received in his said capacity of treasurer, and which he has or ought to pay over to the treasurer of his county; in which statement he shall set forth particularly, the person, officer, or officers, respectively, from whom he has received

any such money, the amount so received from each person and officer, and for what the same was so paid to him, with the date of each payment. He shall also set forth the amount which he has paid over to the county treasurer and for which he has the receipt of such treasurer.

When statement made.

Sec. 2. Such statement shall be made in each and every year, on the Saturday next preceding the annual session of the county board of supervisors of such county; and the same shall include all moneys so by such town treasurer received and paid over, for and during the year next preceding such Saturday.

To make statement at expiration of office.

Sec. 3. The like statement as above provided for shall be made by each town treasurer, upon the expiration of his term of office, or a resignation thereof; which shall contain the amount of money by him received and paid over, as contemplated by the first section of this act, and of and concerning which he has not previously made such statement.

To make certificates.

Sec. 4. All statements made as contemplated in this act, shall be made in duplicate, and officially certified, (or be under oath,) by such town treasurer, that the same is in all respects true and correct, and that the same contains the true and full amount of money by him so received, for and during the period of time for which he should make such statement. All and every such certified duplicate statements shall be by the treasurer making the same, filed with the town clerk of his town, immediately after the same shall be so made out.

To file statement.

Sec. 5. The chairman of the board of town supervisors of each town, or other supervisor in the place of such chairman, who shall attend the annual session of the county board of supervisors as a member thereof, shall, at each annual session of such county board, take one of each such duplicate statements, and file the same with the clerk of such county board, who shall carefully preserve the same.

Penalty for neglect.

Sec. 6. Each and every person holding the office of town treasurer, who shall refuse or neglect to comply with the provisions of this act, shall forfeit not less than ten dollars nor more than two hundred dollars, to be recovered in any court of record in this state; the amount to be fixed by the jury trying the cause, or by the court, if there be no jury empanneled in such case, and may be recovered by action of debt in the name of any person who will prosecute for the same, with costs of suit, one half of which shall go to the person so prosecuting, and the remainder to the town of which such delinquent is or has been treasurer.

cate or certificates for the shares which he, she, or they shall subscribe for, stating in the body of such certificate or certificates the amount paid on each share at the time of issuing such certificate or certificates, which certificate or certificates shall be transferable in the manner prescribed by the by-laws of said company.

Route of road.

SEC. 8. The said company shall have power to construct a single or double track road from such point as they may select in the town of Portland, in the county of Dodge, and state of Wisconsin, and thence on the most practicable route through York, to the town of Bristol, where the Madison and Columbus road crosses the Waterloo creek, on the north-west quarter of the south west quarter of section twenty-three in township nine, range eleven, near the house of J. J. Nichols, in the county of Dane. The track of said road shall be constructed of plank, stone, gravel, or charcoal or either, in whole or in part, each at the option of the directors, so that the same when completed shall constitute a firm, regular, and proper surface for the passage of wagons and carriages.

May enter on lands.

SEC. 9. It shall be lawful for said company, their officers, engineers, and agents, to enter upon any lands for the purpose of exploring, surveying, and locating the route of said road, doing thereto no unnecessary damage, and when said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors, and servants at any time to enter upon, take possession of and have and use said lands, not exceeding four rods in width, along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as will be ascertained in the manner hereinafter directed: *Provided*, That in such places as may be necessary for the company to obtain gravel and stone, or to make excavations and embankments for the construction of said road, the company may locate the route of said road, not to exceed six rods in width, and they may also cut down such trees on each side of said road, as may endanger said road by falling or otherwise.

Provisa.

How damages settled.

SEC. 10. When the said corporation shall not agree with the owner or owners of any land, gravel, stone, or other material required for the construction of said road for the purpose thereof, or for the compensation to be paid therefor, or when, by reason of the absence or legal incapacity of the owner or owners no such purchase can be made, then, and in any such case, it shall be lawful for a justice of the peace to issue a warrant directed to the sheriff or any constable of said county, not directly interested

Sec. 3. This act shall be published immediately, and be in force from and after the publication thereof.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved April 17, 1852.
LEONARD J. FARWELL.
[*Published June* 15, 1852.]

An Act to authorize the organized towns in this State to erect and ma intainbridges. **Chap 413**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. Any of the organized towns of this state are hereby authorized by a vote of a majority of the voters of such town, to erect and construct bridges across any of the navigable streams in this state, running through the towns erecting such bridge or bridges, and shall have power by a like vote of the town to levy taxes upon the taxable property of said town, to erect and maintain said bridge or bridges in the same manner that highway taxes are levied. Authorized to construct bridge

Sec. 2. The said bridges erected under the provisions of this act shall be so constructed as not to obstruct the navigation of the streams upon which they are erected. How constructed.

Sec. 3. This act shall be in force from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.
[*Published June* 15, 1852.]

An Act to incorporate the Portland, York and Bristol Plank Road Company. **Chap 414**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. William Larrabee, Darwin Clark, ——— Wilson, ——— Young, Walter Brown, Andrew Sherburn, Samuel Cripps, William H. Clark, J. J. Nichols, Truman Hewitt, Joseph Cross, and Ephraim Baker, be and they are hereby appointed commissioners, under the direction of a majority of whom, subscriptions may be received to Commissioners

the capital stock of the Portland, York and Bristol Plank Road Company, hereby incorporated; and they may cause books to be opened at such times and places as they shall direct for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days' notice of the times and places of taking such subscriptions, by publishing the same in one or more nowspapers printed in the county of Dane.

Powers

SEC. 2. The capital stock of said company shall be twenty thousand dollars, in shares of ten dollars each, and as soon as two hundred shares of the capital stock shall be subscribed, and five per cent. of the amount thereof actually paid in or secured to the said company, the subscribers to said stock, with such other persons as shall thereafter associate with them for that purpose, their successors and assigns, shall be, and are hereby created and declared a body corporate and politic, by the name and style of the "Portland, York and Bristol Plank Road Company," with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, bargaining, and conveying estates, real, personal, or mixed, and in their corporate name may sue and be sued, may have a common seal which they may alter or renew at pleasure, and generally may do all and singular the matters and things which an incorporated company may by law do.

To call meeting

SEC. 3. The said commissioners, or a majority of them, after said two hundred shares of stock shall have been subscribed as aforesaid, shall give at least twenty days' notice in one or more of the newspapers of the said county of Dane, of the time and place of the meeting of the stockholders for the purpose of electing seven directors, who shall hold their offices for one year, and until their successors are elected; and annually thereafter, on the anniversary of the first election, upon notice of the place of meeting being given by the directors then in office, being published in one or more of the newspapers in the county aforesaid, to be designated by the said directors, the said stockholders shall meet to elect directors: *Provided*, That until the first election of directors, the commissioners above named, upon the subscription of two hundred shares of stock, and the organization of said commissioners by the election by them of one of their number president shall have all the powers and perform all the duties of a board of directors for said company, and the corporate existence of said company shall be taken and held to have begun and be complete as if a regular election of directors had taken place, and in case of a vacancy at any time in the board of

directors, or in the said board of commissioners acting in the capacity of directors, the board shall have power to fill such vacancy.

Board of directors.

Sec. 4. The affairs of said company shall be managed by the said directors, who shall be stockholders, and shall be chosen by ballot by the stockholders in person, or by their proxies duly authorized, and in all elections, and in the decision of all questions acted upon at any meeting of the stockholders, each share shall be entitled to one vote, and a majority of the votes cast shall govern, except in elections where the seven persons having the greatest number of votes cast for directors shall be declared duly elected.

Powers of directors.

Sec. 5. A majority of said directors shall form a quorum for the transaction of all business, and shall organize by appointing one of their number president; and they shall have power to appoint a secretary and treasurer, and such other officers and agents, as they shall deem fit, and may fix their compensation, and may demand adequate security for the performance of their respective trusts, and may remove said officers and revoke the powers of said agents at pleasure; they shall also have power to make all necessary and proper by-laws, rules and regulations for the management of said company, the subscription of stock, the payment of installments thereon, the assignment and transfer of stock certificates, and prescribing the duties of officers; all of which said by-laws not inconsistent with the constitution and laws of this state, when duly recorded in the books of the company, shall be effectual and binding upon the members of said company, and all persons interested therein, as it the same formed a part of this act of incorporation.

May forfeit stock.

Sec. 6. The said board of directors shall have power to decide the time and manner in which said stockholders shall pay installments on their stock, and to declare the forfeiture of said stock and all prior payments thereon for failure to pay such installments as may be called for, and also to accept in behalf of said company a relinquishment of any stock subscribed, and execute to the person or persons relinquishing the same, valid releases, discharging them from all liability thereafter for or on account of the acts of said company.

To issue certificates.

Sec. 7. The said directors shall have power to regulate tolls, and to make such covenants and contracts in the name and under the seal of said company, with any person or persons, as the execution or management of the work and the convenience and interest of the company may require, and may issue to each stockholder a certifi-

cate or certificates for the shares which he, she, or they shall subscribe for, stating in the body of such certificate or certificates the amount paid on each share at the time of issuing such certificate or certificates, which certificate or certificates shall be transferable in the manner prescribed by the by-laws of said company.

Route of road.

Sec. 8. The said company shall have power to construct a single or double track road from such point as they may select in the town of Portland, in the county of Dodge, and state of Wisconsin, and thence on the most practicable route through York, to the town of Bristol, where the Madison and Columbus road crosses the Waterloo creek, on the north-west quarter of the south west quarter of section twenty-three in township nine, range eleven, near the house of J. J. Nichols, in the county of Dane. The track of said road shall be constructed of plank, stone, gravel, or charcoal or either, in whole or in part, each at the option of the directors, so that the same when completed shall constitute a firm, regular, and proper surface for the passage of wagons and carriages.

May enter on lands.

Sec. 9. It shall be lawful for said company, their officers, engineers, and agents, to enter upon any lands for the purpose of exploring, surveying, and locating the route of said road, doing thereto no unnecessary damage, and when said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors, and servants at any time to enter upon, take possession of and have and use said lands, not exceeding four rods in width, along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as will be ascertained in the manner hereinafter directed: *Provided*, That in such places as may be necessary for the company to obtain gravel and stone, or to make excavations and embankments for the construction of said road, the company may locate the route of said road, not to exceed six rods in width, and they may also cut down such trees on each side of such road, as may endanger said road by falling or otherwise.

Proviso.

How damages settled.

Sec 10. When the said corporation shall not agree with the owner or owners of any land, gravel, stone, or other material required for the construction of said road for the purpose thereof, or for the compensation to be paid therefor, or when, by reason of the absence or legal incapacity of the owner or owners no such purchase can be made, then, and in any such case, it shall be lawful for any justice of the peace to issue a warrant directed to the sheriff or any constable of said county, not directly interested,

each, and as soon as one thousand shares of stock shall be subscribed, and five dollars on each share actually paid in, the subscribers of such stock with such other persons as shall associate with them for that purpose, their successors and assigns, shall be, and they are hereby declared and created a body corporate and politic, by the name and style of the "Mineral Point Rail Road Company," with perpetual succession, and by that name shall have all the privileges, franchises, and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing, and conveying estate, either real, personal, or mixed, as far as the same may be necessary for the purposes hereinafter mentioned and no further; and in their corporate name may sue and be sued, may have a common seal which they may alter or renew at pleasure, and generally may do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of said corporation.

To call meeting.

Sec. 3. The said commissioners, or a majority of them, after said one thousand shares of stock shall have been subscribed as aforesaid, shall give at least thirty days' notice in the newspaper hereinbefore mentioned, of the time and place by them appointed for the subscribers to meet for the purpose of electing nine directors, and annually thereafter the said stockholders shall meet on the first Monday in July for the purpose of electing directors as aforesaid, upon a like previous notice to be given as aforesaid: *Provided*, That previous to the first election, the commissioners hereinbefore named shall elect one of their number president, and they shall perform all the duties and be invested with all the powers of directors: *And provided*, that if from any cause an election shall not be held at the regular time specified therefor, the same may be held at any other time, on notice as aforesaid; that until such election, the directors of the preceding year shall continue in office, and that this charter shall not be avoided by reason of the irregularity or want of such election.

Proviso.

Board of directors.

Sec. 4. The affairs of said corporation shall be managed by a board of nine directors, who shall be chosen annually by ballot, on the days hereinbefore prescribed, by the stockholders of said company, the votes to be delivered in person or by proxy duly authorized, which directors shall appoint one of their own number to be president, and shall respectively serve for one year, or until other directors are elected; they shall have power to make and establish such by-laws, rules, and regulations not inconsistent with the constitution and laws of the United States

valuation, or unless it shall in like manner be shown that such owner or owners are under age, or *non compos mentis*. Such service of notice may be made upon the guardian or trustee, under the same restrictions as in the case of owners, or if there be no guardian or trustee, the same shall be established by affidavit: *Provided*, That no such materials shall be taken if the jury shall decide that the same are essential to the owner or owners thereof: *Provided*, That any party conceiving himself aggrieved by any decision herein stated, may, in every such case, appeal to the circuit court of the county in which the property in question is situated, as in ordinary cases of appeal.

May construct road on highway

Proviso.

Sec. 11. The directors shall have power in their discretion to construct said plank road along or upon any road or highway, now or hereafter to be laid out, opened, and established by the proper authorities, and of such width and in such manner as the said directors shall determine: *Provided*, They procure by agreement with the supervisors of any town the right to take and use any part of any public highway in such town for the construction of such proposed road, and agree with such supervisors upon the amount of compensation and damages to by paid by such company to such supervisors therefor. Every such agreement with the supervisors shall be in writing, and shall be filed in the town clerk's office of the town, and such compensation and damages, when paid to the supervisors, shall be expended by them in improving the highways of such town, and the said company may erect toll gates and exact toll from persons traveling on their road, when four consecutive miles are finished, or when the whole road is completed, not exceeding two cents per mile for every vehicle, sled, sleigh, or carriage drawn by two animals, and if drawn by more than two animals, one cent per mile for each additional animal; for every sled, sleigh, or carriage drawn by one animal, one cent per mile; and for every horse and rider or led animal, one cent per mile; for one score of sheep or swine, one cent per mile; and for every score of neat cattle, four cents per mile: *Provided*, That persons going to and from military parade at which they are required by law to attend, and persons going to or from funerals, shall be exempt from toll. The toll gatherer at each gate, when erected on said road in pursuance of this act, may detain and prevent from passing such gate, any animal or carriage subject to toll, until the same is paid.

Sec. 12. The said directors may receive from any stockholder in said company, in lieu of money for the stock

fourth in amount of the capital stock on like notice as that required for annual meetings, specifying moreover the object of such meeting; but no business shall be transacted at such special meeting, unless a majority in value of the stockholders shall attend in person or by proxy.

Route of road. Sec. 9. The said company shall have power to locate and construct a single or double track rail road from such eligible point in the town of Mineral Point, Iowa county, to such eligible point or points in either of the townships of number one, north of the base line, and east of the fourth principal meridian, in the counties of LaFayette or Green, as shall be determined on by a vote of the stockholders holding a majority of the stock of said company, at a special meeting called for the purpose of fixing the location or termination of said road; and shall have power to transport, take and carry property and persons upon the same by power and force of steam, of animals, or of any mechanical or other power, or by any combination of them; and they shall also have power to make, construct, and erect all such side tracks, turn-outs, and connecting tracks, and all such warehouses, toll houses, machine shops, carriages, ...s, and other works and appendages, as may be necessary for the convenience of the company for the use of the said rail road, and also to connect said rail road, and operate the same with other rail roads and branch rail roads ...the state of Wisconsin, at any point within the limits ...the county of Iowa.

How charter forfeited. Sec. 10. If said corporation shall not within three years ...m the passage of this act commence the construction of ...d rail road, then the rights, privileges, and powers of ...d corporation under this act shall be null and void.

May enter upon lands. Sec. 11. It shall and may be lawful for said company, ...ir officers, engineers, and agents, to enter upon any land ... the purpose of exploring, surveying, and locating the ...te of said rail road, doing thereto no unnecessary dam...e; and when the said route shall be determined by the ...d company, it shall be lawful for them, their agents, en...eers, contractors, and servants, at any time, to enter ...on, take possession of, and use such lands, not exceed... five rods in width, along the line of said route, subject, however, to the payment of such compensation as ... company may have agreed to pay therefor, or shall be ...ertained in the manner hereinafter directed and provid...in such cases respectively.

How damages settled. Sec. 12. When the said corporation cannot agree with ... owner or owners of such required land, for the pur...se thereof, or as to the compensation to be paid to the

How charter forfeited.

Sec. 16. If said corporation shall not within three years from the passage of this act commence the construction of said plank road, and expend one thousand dollars or more thereon, and shall not within ten years from the passage of this act, construct, finish, and put in operation a single or double track of plank or gravel road between the places aforementioned, then the rights, privileges, and powers of the said corporation under this act shall cease and be determined.

Public act.

Sec. 17. This act shall be favorably construed to effect the purposes hereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state shall be received as evidence in all courts and places.

Sec. 18. This act may be altered or amended by any future legislature of the state of Wisconsin.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.
[*Published June 22, 1852.*]

Chap 415

An Act to incorporate the Mineral Point Rail Road Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners.

Section 1. That Francis Vivian, Parley Eaton, Francis J. Dunn, Cyrus Woodman, John Blacken, A. W. Comfort, Henry Koop, and John Milton, of the county of Iowa; Samuel Cole, Charles H. Lamar, John W. Blackstone, H. P. Ladd, Edward H. Gratiot, Charles Dunn, James H. Knowlton, and Joseph M. Brewster, of the county of LaFayette, be and they are hereby appointed commissioners, under the direction of a majority of whom, subscriptions may be received to the capital stock of the Mineral Point Rail Road Company, hereby incorporated, and they may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days' notice of the times and places of taking such subscription, by publishing the same, weekly, in a public newspaper printed in the county of Iowa.

Capital stock.

Sec. 2. The capital stock of said company shall be five hundred thousand dollars, in shares of one hundred dollars

entered accordingly: *Provided also*, That it shall not be lawful for the said commissioners or said court to proceed in the assessment of damages, or in the valuation of any lands or materials as aforesaid, in the absence of the owner or owners thereof, his, her, or their agents or attorneys, unless it shall be shown to them by competent testimony that the said owner or owners shall have had at least five days' notice of the time and place at which such assessment or valuation was to be made, or that the said owner or owners are absent from the state of Wisconsin; and if the said owner or owners shall be minors, or *non compos mentis*, or absent from the state, the service of notice may be made on the guardian or trustee, if there be any, in such manner as the court may direct: *Provided also*, That upon the making and filing of any report as aforesaid, and payment or legal tender of the amount of any valuation or appraisal specified therein to the owner or owners of any such lands, his, her, or their legal representatives, the said company, their agents, or the contractor for making or repairing said rail road, may immediately take and use the same without awaiting the issue of any appeal brought thereon.

Company entitled to land.

Sec. 13. Whenever any judgment shall have been entered as hereinbefore provided, for the value of any lands, or for any damage for the taking and using of the same, and the amount specified in such judgment shall have been paid or tendered to the owner or owners of such lands, his, her, or their legal representatives, the said company shall be entitled to the easement of the same so long as the land so valued and taken shall be used for the track of said rail road; and if such valuation be not received when tendered, it may at any time thereafter be received, and may be collected from said company by action at law, with the cost and expense of the person or persons entitled to the same.

Not to obstruct highway.

Sec. 14. The said rail road shall be so constructed as not to impede or obstruct the free use and passage of any public road or roads which may cross the same, and in all cases where such rail road may cross, or in any way interfere with any public road, it shall be the duty of said company to make or cause to be made a sufficient causeway or passageway to enable all persons traveling such public road to pass over or under such rail road without inconvenience.

To make passage.

Sec. 15. For the convenience of persons owning or possessing land through which said rail road shall pass, it shall be the duty of said company when required, to make

and of the state of Wisconsin, as may be necessary for the well ordering the affairs of said company.

Each share of stock entitled to one vote

Sec. 5. None but stockholders shall be elected directors; and at every election, and in all other cases upon which stockholders shall be called upon to vote, each share of stock shall be entitled to one vote, and in all cases of elections of directors, the nine stockholders having the greatest number of votes shall be declared duly elected.

Powers of directors.

Sec. 6. The said directors shall meet at such times and places, and be convened in such manner as they may hereafter decide upon. Five directors shall be a quorum for the transaction of business, who in the absence of the president shall appoint a president *pro tem.* The said directors shall appoint a secretary, treasurer, and such engineers and other officers as they may find necessary; and they shall have full power to fix the compensation of all officers, and may demand adequate security for the performance of their respective trusts; they shall decide the time and manner and proportion in which the said stockholders shall pay the money due on their respective shares, and forfeit to the use of the company the share or shares of every person or persons failing to pay any installments so required, at a reasonable period, not less than thirty days after the time by them appointed for the payment thereof; they shall [have] full power to regulate and to make such contracts, covenants, and agreements with any person, co partnership, or body politic whatsoever, as the execution and management of the works and the convenience and interest of the company may require, and in general to superintend and direct all the operations, receipts, disbursements, and other proceedings of the company: *Provided*, That no installment called in at any one time shall exceed twenty dollars per share, and that no installment shall be called for by the directors without at least sixty days' notice thereof in the newspapers hereinbefore named.

Proviso.

To issue certificates,

Sec. 7. The directors chosen as aforesaid, shall issue a certificate to each stockholder for the number of shares he or she may subscribe for or hold in said corporation, signed by the president and countersigned by the secretary, and sealed with the common seal.

To exhibit statement.

Sec. 8. At each annual meeting of the stockholders for the purpose of electing directors, the directors of the preceding year shall exhibit to them a complete statement of the affairs and proceedings of the company for such year; and special meetings of the stockholders may be called by order of the directors, or by stockholders holding one

Sec. 22. This act shall be in force from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

[*Published July* 1, 1852.]

An Act to incorporate the Dodge County Mutual Insurance Company.

Chap 416

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. Edwin Hilger, L. B. Hills, G. W. Bly, J. Drummond, J. W. Brown, J. Look, N. J. Newton, J. G. Hilger, B. Hinkley, L. P. Preston, J. D. Tanner, J. N. Ackerman, Logan Graves, and their associates, and such persons as shall hereafter have property insured by the said company, shall be and hereby are ordained, constituted, and declared to be a body corporate and politic in fact and in name, by the name of "The Dodge County Mutual Insurance Company." **Created a body corporate.**

Sec. 2. The said corporation hereby created, shall have power and authority to make contracts of insurance with any person or persons or any body corporate or politic, against loss by fire of any houses, stores, or other buildings whatsoever, or of any goods, chattels, or personal estate whatsoever, for such term or terms of time and for such premium or consideration, and under such modifications and restrictions, as may be agreed upon between the said corporation and the person or persons agreeing with them for insurance. **May make contracts of insurance.**

Sec. 3. Every person who shall at any time become interested in said company by insuring therein, and also his heirs, administrators, and assigns continuing to be insured therein as hereinafter mentioned, shall be deemed and taken to be members thereof for and during the terms specified in their respective policies and no longer, and shall at all times be concluded and bound by the provisions of this act; and the property and concerns of said corporation shall be managed and conducted by a board of thirteen directors, and that Edwin Hilger, L. B. Hills, Josiah Drummond, B. Hinkley, J. N. Ackerman, George W. Bly, L. P. Preston, N. J. Newton, J. D. Tanner, Jos. J. Hilger, J. W. Brown, J. Look, and Logan Graves, shall **Who to be members.** **Directors.**

owner or owners of any land for the purpose aforesaid, or when by reason of the legal incapacity, or absence of any such owner or owners, no such agreement or purchase can be made, then, and in that case, it shall be lawful for any judge of the circuit court of the county in which such lands are situated, on application of either party, and at the cost and charge of such corporation to appoint three disinterested persons residing in said county, whose duty it shall be to view and examine or survey such lands, with the buildings and improvements, if any thereon, and to estimate the value of the land so taken or required by the said company, and all damages which the owner or owners thereof shall sustain or may have sustained by reason of the taking of the same for the construction and use of said road or works appertaining thereto; and the persons so appointed, before entering upon the discharge of such duties, shall take an oath before some justice of the peace or other person competent by law to administer oaths, faithfully and according to the best of their abilities, to examine the land so taken or required by said company, and impartially to estimate and appraise the value of the same and the damage or injury which the owner or owners thereof shall have sustained, or may sustain by reason of the taking and using thereof by the said company; whereupon such commissioners shall proceed to examine the premises and estimate the value of such land, and the amount of damage, if any, to the owners as aforesaid, and shall make a report in writing of such valuation, under their hands and seals, to said judge, and shall return the same within thirty days after their appointment, to the clerk of the circuit court of the county in which they reside, and it shall be the duty of the clerk to file the same; and in case no appeal shall be made within thirty days after the filing of said report as hereinafter provided, then the said clerk shall record the same at the expense of said company, and judgment of the said court shall be entered thereon, on motion of either party, at any term of said court: *Provided*, That either party may appeal to said court within thirty days after said report shall have been filed in the clerk's office, and such appeal shall be tried in the same manner as other issues are tried in said court, and the jury empannelled to try the same shall find the value of the land so taken or required by said company, and the damages which the owner or owners thereof shall have sustained or may sustain by the taking of the same, from the construction of such rail road, and judgment of the court shall be

Proviso.

ed and carried on by committees or otherwise, without the presence of a board of directors, and shall be binding and obligatory on the said corporation if the same be done nder or in conformity to the by-laws and ordinances of said corporation.

Sec. 6. In case any person or persons insured, named n any policy or contract of insurance made by said corporation hereby created, shall sell, convey, or assign the roperty insured, during the time for which it is insured, t shall be lawful for such insured to assign and deliver to he purchaser or purchasers, such policy or contract of insurance, and such assignee or assignees shall have all the enefit of such policy or contract of insurance, and may ring and maintain a suit thereon in his, her, or their own ames: *Provided*, That before any loss happens, he, she, r they shall obtain the consent in writing of said corporaion to such assignment, and have the same endorsed or nnexed to said policy of insurance. May assign policy.

Sec. 7. It shall and may be lawful for said corporation) take and hold any real estate *bona fide* mortgaged to e said corporation by way of security for the payment of ny debts which may be contracted with the said corporaon, and to proceed on the said mortgaged securities for e recovery of the moneys thereby secured either in law equity, in the same manner as any other mortgagee is shall be authorized to do, and also to purchase on sales ade by virtue of any proceeding at law or any order or ecree of any court of equity, or any other legal proceedgs, or otherwise receive and take any real estate in payent of or towards the satisfaction of any debt previously ntracted and due to the said corporation, and to hold the me until they can conveniently and advantageously sell d convert the same into money or other personal propty. May hold real estate.

Sec. 8. The said directors and such others as may be osen by the said corporation, shall be indemnified and ved harmless by the members of said corporation, in oportion to the amounts of property that each and every mber may have insured, at and after the rates of insurce of such property by the said corporation in and for eir giving out and signing policies of insurance, and oth lawful acts, deeds, and transactions done and performed pursuance of this act, and neither of the said directors all be answerable for or chargeable with the faults, negts, or misdeeds of others of them. Directors to be indemnified.

Sec. 9. Every member of said company shall be and hereby bound to pay his proportion of the losses and ex-

a good and sufficient passageway over or under said rail road, whenever the same may be necessary to enable the occupants of said lands to pass over or under the same with wagons, carts, and implements of husbandry as occasion may require: *Provided*, That said company shall in no case be required to make more than one such passage way for each farm; and when any public road shall cross such rail road in any farm, the person owning or possessing such farm shall not be entitled to require said company to make any additional causeway.

Proviso.

May receive freitage.

Sec. 16. On the completion of said rail road, or any portion of the track, not less than ten miles, it shall and may be lawful for the company to demand and receive such sum or sums of money for passage and freight of persons and property, as they shall from time to time think reasonable.

Penalty for damage to road.

Sec. 17. If any person shall willfully and knowingly break, injure, or destroy the rail road so to be constructed by said company, or any part thereof, or any work, building, or machinery attached to, or in use upon the same, belonging to said company, such person or persons so offending, shall each of them for every such offence, forfeit and pay a sum not exceeding three times the amount of damages caused by such offence, which may be recovered in the name of the said company, by action of debt, in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall be subject to indictment, and upon conviction of such offence, shall be punished by fine and imprisonment, or either, at the discretion of the court.

Property liable for debts.

Sec. 18. The property of every individual invested in said corporation shall be liable to be taken on execution for the payment of his or her debts in such manner as may be provided by law: *Provided*, That all debts due said company shall be first paid.

May increase capital stock.

Sec. 19. The stockholders holding a majority in value of stock, may at any annual or special meeting increase the capital stock of this company to an amount not exceeding eight hundred thousand dollars.

Public act.

Sec. 20. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state, shall be received as evidence thereof.

Violation of charter.

Sec. 21. In case of a violation by the company of any of the provisions of this act, the legislature of the state of Wisconsin may resume all and singular the rights and privileges hereby granted to said company.

Sec. 22. This act shall be in force from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

[*Published July* 1, 1852.]

An Act to incorporate the Dodge County Mutual Insurance Company. **Chap 416**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. Edwin Hilger, L. B. Hills, G. W. Bly, J. Drummond, J. W. Brown, J. Look, N. J. Newton, J. G. Hilger, B. Hinkley, L. P. Preston, J. D. Tanner, J. N. Ackerman, Logan Graves, and their associates, and such persons as shall hereafter have property insured by the said company, shall be and hereby are ordained, constituted, and declared to be a body corporate and politic in fact and in name, by the name of "The Dodge County Mutual Insurance Company." Created a body corporate.

Sec. 2. The said corporation hereby created, shall have power and authority to make contracts of insurance with any person or persons or any body corporate or politic, against loss by fire of any houses, stores, or other buildings whatsoever, or of any goods, chattels, or personal estate whatsoever, for such term or terms of time and for such premium or consideration, and under such modifications and restrictions, as may be agreed upon between the said corporation and the person or persons agreeing with them for insurance. May make contracts of insurance.

Sec. 3. Every person who shall at any time become interested in said company by insuring therein, and also his heirs, administrators, and assigns continuing to be insured therein as hereinafter mentioned, shall be deemed and taken to be members thereof for and during the terms specified in their respective policies and no longer, and shall at all times be concluded and bound by the provisions of this act; and the property and concerns of said corporation shall be managed and conducted by a board of thirteen directors, and that Edwin Hillger, L. B. Hills, Josiah Drummond, B. Hinkley, J. N. Ackerman, George W. Bly, L. P. Preston, N. J. Newton, J. D. Tanner, Jos. T. Hillger, J. W. Brown, J. Look, and Logan Graves, shall Who to be members. Directors.

subscribed, and five per cent. of the amount thereon actually paid in or secured to the said company, the subscribers of such [stock,] with such other persons as they shall thereafter associate with them for that purpose, their successors and assigns, shall be, and they are hereby created and declared a body corporate and politic, by the name, style, and title of the "Waupun, Fond du Lac, and Forest Plank Road Company" with perpetual succession and by that name shall be capable in law of purchasing, holding, selling, bargaining, and conveying estates, real, personal, or mixed, in their corporate name may sue and be sued, may have a common seal which they may alter or renew at pleasure, and generally may do all and singular the matters and things which an incorporated company may by law do.

Powers.

Sec. 3. The said commissioners, or a majority of them, after said two hundred shares of stock shall have been subscribed as aforesaid, shall give at least fourteen days' notice in one or more newspapers of the said county of Fond du Lac, of the time and place of the meeting of the stockholders for the purpose of electing seven directors, who shall hold their offices until their successors are elected; and annually thereafter, upon the anniversary of the first election, upon notice of the place of the meeting being given by the directors then in being, being published in one or more of the newspapers in the county aforesaid, to be designated by the said directors, the said stockholders shall meet to elect directors: *Provided*, That until the first election of directors, the said commissioners above named, upon the subscription of two hundred shares of stock, and the organizing of said commissioners by the election by them of one of their number president, shall have all the powers and perform all the duties of a board of directors for said company, and the corporate existence of said company shall be taken and held to have begun and be complete as if a regular election of directors had taken place, and in case of a vacancy at any time happening in the board of directors, or in the said board of commissioners acting in the capacity of directors, the board shall have power to fill such vacancy.

To call meeting.

Sec. 4. The affairs of said company shall be managed by the said directors, who shall be stockholders, and be chosen by ballot by the stockholders in person, or by proxies duly authorized, and in all elections, and in the discussion of all questions acted upon at any meeting of the stockholders, each share of stock shall be entitled to one vote, and a majority of the votes cast shall govern, except in elections where the five persons having the greatest num-

Board of directors.

ber of votes cast for directors shall be declared duly elected.

Sec. 5. A majority of said directors shall form a quorum for the transaction of all business, and shall organize by choosing one of their number president; and they shall have power to appoint a secretary and treasurer, and such other officers and agents, as they shall deem fit, and may fix their compensation, and may demand adequate security for the performance of their respective trusts, and may remove said officers and revoke the powers of such agents at pleasure; they shall also have power to make all necessary and proper by-laws, rules and regulations for the management of said company, the subscription of stock, the payment of installments thereon, the assignment and transfer of stock certificates, and prescribing the duties of officers; all of which by-laws not inconsistent with the constitution and laws of this state, when duly recorded in the books of the company, shall be effectual and binding upon the members of said company, and all persons interested therein, as if the same formed a part of this act of incorporation. Powers of directors.

Sec. 6. The said board of directors shall also have power to decide the time and manner in which said stockholders shall pay installments upon their stock, and to declare the forfeiture of said stock and all prior payments thereon for failure to pay such installments as may be called for, and also to adopt in behalf of the company a relinquishment of any stock subscribed, and execute to the person or persons relinquishing the same, valid releases, discharging them from all liabilities thereafter for [or] on account of the acts of said company or its officers. May forfeit stock.

Sec. 7. The said directors shall have power to regulate calls, and to make such covenants and contracts in the name and under the seal of said company, with any person or persons, as the execution and management of the work and the convenience and interest of the company may require, and may issue to each stockholder a certificate or certificates for the shares which he, she, or they shall subscribe for, stating in the body of such certificate or certificates the amount paid on such share at the time of the issuing such certificate or certificates, which certificate or certificates shall be signed by the president and countersioned by the secretary of said company, and which certificate or certificates shall be transferable in the manner prescribed by the by-laws of said company. To issue certificates.

Sec. 8. The said company shall have power to locate and construct a single or double track road from the village of Waupun, through the village of Fond du Lac,

penses accruing in and to said company, and all buildings insured by said company, together with the right, title, and interest of the insured to the lands on which they stand shall be and hereby are pledged to said company, and said company shall have a lien thereon against the insured during the continuance of his, her, or their policy, to the amount of the premium note deposited with the said company and no more, the lien to take effect whenever the said company shall cause to be filed in the office of the register of deeds of the county where the property is insured, a memorandum of the name of the individual insured, and a description of the property; the lien in no case to exceed one hundred dollars.

Property pledged

Sec. 10. Whenever any assessment is made on any premium note given to said company for any hazard taken by said company or as consideration for any insurance issued or to be issued by said company, and an action is brought for the recovery of such assessment, the certificate of the secretary of said company, specifying such assessment, and the amount due to said company on such note by means thereof, shall be taken and received as *prima facie* evidence thereof in all courts and places whatsoever.

Evidence of assessment.

Sec. 11. Any person who as secretary, deputy secretary, or clerk of said company shall be guilty of any designed falsehood or fraud in the certificate authorized by the eleventh section of this act, shall be guilty of a misdemeanor; any person who shall personate or falsely affix the name of said secretary, deputy, or clerk, to any such certificate, shall be guilty of a misdemeanor; any person to vote in person at an election of directors of said company, who shall falsely personate another, shall be guilty of a misdemeanor, and any person who shall falsely sign or affix the name of any person or member of this company to an appointment of a proxy, shall be guilty of a misdemeanor.

Misdemeanors.

Sec. 12. Any person convicted of a misdemeanor for any offence under this act, shall be sentenced to imprisonment in the county jail for a term not exceeding six months, or to pay a fine not exceeding fifty dollars, or to both such fine and imprisonment at the discretion of the court before whom he or she may be convicted.

Punishment.

Sec. 13. The president and directors of said corporation shall have power to appoint such officers and agents as they may find necessary, prescribe their duties and require bonds for the faithful performance thereof, and may from time to time adopt such by-laws and regulations for the business of said company, as they may deem expedi-

Powers of directors.

with the persons in attendance as jurors, to furnish a panel of nine jurors, and from them the said company, or the owner or owners of the property to be valued, their agent or attorney, or either of them, and if they are not present in person or by attorney, the sheriff or constable shall, for him, her, or them, strike off each two of said jurors, and the remaining five shall act as a jury of inquest of damages. Before they act as such, the said justice of the peace shall administer to each of them an oath or affirmation that they will faithfully and impartially value the land and material required of such road, and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantages the same will be to the owner or owners, according to the best of his skill and judgment; whereon, the said justice and the jurors shall proceed to review the said land or materials so required, and hear the evidence of the respective parties, which the said justice shall reduce to writing, which shall be signed by the said justice, and the verdict of [the said jury thereon shall be signed by] the jurors or a majority of them and by the justice of the peace; and the said justice of the peace, shall, within five days thereafter, transmit the same to the clerk of the district court of the proper county, who shall file the same. Such inquisition shall describe the property taken or to be taken, or the boundaries of the land in question, and the value thereof as aforesaid, and such valuation, when paid, together with the cost of such inquisition, or tendered to the owner or owners, or deposited with the said court, shall entitle the said company to the state and interest in the same thus valued, as if it had been conveyed by the owner or owners thereof, so long as the land thus valued and taken shall be used for the track of said plank road: *Provided*, that it shall not be lawful Proviso for any justice and jury of inquest to proceed in the valuation of any such property or material, in the absence of the owner or owners thereof, his, her, or their legal representatives, unless it be made to appear by affidavit, that such owner or owners have had at least five days' notice of the time and place of meeting for the purpose of making such valuation, or unless it shall in like manner be shown that such owner or owners are under age, or *non compos mentis*. Such service of notice may be made upon the guardian or trustee, under the same restrictions as in the case of owners, or if there be no guardian or trustee, the same shall be established by affidavit: *Provided*, That no such materials shall be taken if the jury shall decide that the same are essential to the owner or owners thereof.

subscribed, and five per cent. of the amount thereon actually paid in or secured to the said company, the subscribers of such [stock,] with such other persons as they shall thereafter associate with them for that purpose, their successors and assigns, shall be, and they are hereby created and declared a body corporate and politic, by the name, style, and title of the "Waupun, Fond du Lac, and Forest Plank Road Company" with perpetual succession and by that name shall be capable in law of purchasing, holding, selling, bargaining, and conveying estates, real, personal, or mixed, in their corporate name may sue and be sued, may have a common seal which they may alter or renew at pleasure, and generally may do all and singular the matters and things which an incorporated company may by law do.

Powers.

Sec. 3. The said commissioners, or a majority of them, after said two hundred shares of stock shall have been subscribed as aforesaid, shall give at least fourteen days' notice in one or more newspapers of the said county of Fond du Lac, of the time and place of the meeting of the stockholders for the purpose of electing seven directors, who shall hold their offices until their successors are elected; and annually thereafter, upon the anniversary of the first election, upon notice of the place of the meeting being given by the directors then in being, being published in one or more of the newspapers in the county aforesaid, to be designated by the said directors, the said stockholders shall meet to elect directors: *Provided*, That until the first election of directors, the said commissioners above named, upon the subscription of two hundred shares of stock, and the organizing of said commissioners by the election by them of one of their number president, shall have all the powers and perform all the duties of a board of directors for said company, and the corporate existence of said company shall be taken and held to have begun and be complete as if a regular election of directors had taken place, and in case of a vacancy at any time happening in the board of directors, or in the said board of commissioners acting in the capacity of directors, the board shall have power to fill such vacancy.

To call meeting.

Board of directors.

Sec. 4. The affairs of said company shall be managed by the said directors, who shall be stockholders, and be chosen by ballot by the stockholders in person, or by proxies duly authorized, and in all elections, and in the discussion of all questions acted upon at any meeting of the stockholders, each share of stock shall be entitled to one vote, and a majority of the votes cast shall govern, except in elections where the five persons having the greatest num

ber of votes cast for directors shall be declared duly elected.

Sec. 5. A majority of said directors shall form a quorum for the transaction of all business, and shall organize by choosing one of their number president; and they shall have power to appoint a secretary and treasurer, and such other officers and agents, as they shall deem fit, and may fix their compensation, and may demand adequate security for the performance of their respective trusts, and may remove said officers and revoke the powers of such agents at pleasure; they shall also have power to make all necessary and proper by-laws, rules and regulations for the management of said company, the subscription of stock, the payment of installments thereon, the assignment and transfer of stock certificates, and prescribing the duties of officers; all of which by-laws not inconsistent with the constitution and laws of this state, when duly recorded in the books of the company, shall be effectual and binding upon the members of said company, and all persons interested therein, as it the same formed a part of this act of incorporation. Powers of directors.

Sec. 6. The said board of directors shall also have power to decide the time and manner in which said stockholders shall pay installments upon their stock, and to declare the forfeiture of said stock and all prior payments thereon for failure to pay such installments as may be called for, and also to adopt in behalf of the company a relinquishment of any stock subscribed, and execute to the person or persons relinquishing the same, valid releases, discharging them from all liabilities thereafter for [or] on account of the acts of said company or its officers. May forfeit stock.

Sec. 7. The said directors shall have power to regulate tolls, and to make such covenants and contracts in the name and under the seal of said company, with any person or persons, as the execution and management of the work and the convenience and interest of the company may require, and may issue to each stockholder a certificate or certificates for the shares which he, she, or they shall subscribe for, stating in the body of such certificate or certificates the amount paid on such share at the time of the issuing such certificate or certificates, which certificate or certificates shall be signed by the president and countersigned by the secretary of said company, and which certificate or certificates shall be transferable in the manner prescribed by the by-laws of said company. To issue certificates.

Sec. 8. The said company shall have power to locate and construct a single or double track road from the village of Waupun, through the village of Fond du Lac,

Chap 418 An Act to incorporate the Madison and Westfield Plank and Gravel Road Company.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Commissioners.

SECTION 1. Alexander L. Collins, Elisha Burdick, James D. Ruggles, Cassius Fairchild, John Favill, Simeon Dean, Charles Hallup, Charles O. Baxter, and Marcus Warren, be and they are hereby appointed commissioners under the direction of a majority of whom subscriptions may be received to the capital stock of the "Madison and Westfield Plank and Gravel Road Company," hereby incorporated, and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days' notice of the times and places of taking such subscriptions by publishing the same in one or more of the newspapers published at Madison, for three weeks in succession.

SEC. 2. The capital stock of said company shall not exceed one hundred thousand dollars, to be divided into shares of twenty dollars each, and as soon as one hundred shares of the capital stock shall be subscribed and five per cent paid in, the subscribers of such stock, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created and declared a body corporate and politic by the name and style of the "Madison and Westfield Plank and Gravel Road Company," with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, leasing, and conveying estate, real, personal, or mixed, and in their corporate name may sue and be sued, and have a common seal, which they may alter or renew at pleasure, and may do all things which are authorized by law for the interest and well being of said company.

Powers.

To call meeting.

SEC. 3. The said commissioners or a majority of them, after the said one hundred shares shall have been subscribed as aforesaid, shall give at least twenty days' notice in the newspapers heretofore mentioned, of the time and place of a meeting of the stockholders for the purpose of electing seven directors; and annually thereafter the said stockholders shall meet on the first Monday in January for the purpose of electing directors as aforesaid, upon like previous notice to be given by a majority of the directors for the time being, in such newspapers as they may think proper: *Provided*, That previous to the first election, the commissioners hereinbefore named shall elect one of their number president and they shall perform all the

with the persons in attendance as jurors, to furnish a panel of nine jurors, and from them the said company, or the owner or owners of the property to be valued, their agent or attorney, or either of them, and if they are not present in person or by attorney, the sheriff or constable shall, for him, her, or them, strike off each two of said jurors, and the remaining five shall act as a jury of inquest of damages. Before they act as such, the said justice of the peace shall administer to each of them an oath or affirmation that they will faithfully and impartially value the land and material required of such road, and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantages the same will be to the owner or owners, according to the best of his skill and judgment; whereon, the said justice and the jurors shall proceed to review the said land or materials so required, and hear the evidence of the respective parties, which the said justice shall reduce to writing, which shall be signed by the said justice, and the verdict of [the said jury thereon shall be signed by] the jurors or a majority of them and by the justice of the peace; and the said justice of the peace, shall, within five days thereafter, transmit the same to the clerk of the district court of the proper county, who shall file the same. Such inquisition shall describe the property taken or to be taken, or the boundaries of the land in question, and the value thereof as aforesaid, and such valuation, when paid, together with the cost of such inquisition, or tendered to the owner or owners, or deposited with the said court, shall entitle the said company to the estate and interest in the same thus valued, as if it had been conveyed by the owner or owners thereof, so long as the land thus valued and taken shall be used for the track of said plank road: *Provided*, that it shall not be lawful for any justice and jury of inquest to proceed in the valuation of any such property or material, in the absence of the owner or owners thereof, his, her, or their legal representatives, unless it be made to appear by affidavit, that such owner or owners have had at least five days' notice of the time and place of meeting for the purpose of making such valuation, or unless it shall in like manner be shown that such owner or owners are under age, or *non compos mentis*. Such service of notice may be made upon the guardian or trustee, under the same restrictions as in the case of owners, or if there be no guardian or trustee, the same shall be established by affidavit: *Provided*, That no such materials shall be taken if the jury shall decide that the same are essential to the owner or owners thereof. Proviso

posite Sauk City, and the other at the Wisconsin bridge on the Wisconsin river.

May enter on lands.

Sec. 7. It shall and may be lawful for said company, their officers, engineers, and agents to enter upon any lands for the purpose of exploring, surveying, and locating the route of said road, doing thereto no unnecessary damage, nor locating any such route through any orchard or garden without the consent of the owner thereof, nor through any buildings or fixtures for the purposes of trade or manufactures, or any yard or enclosures necessary to the use and enjoyment thereof, without the consent of the owners; and when the said route shall be determined by said company, it shall be lawful for them, their officers, agents, engineers, contractors, and servants, at any time to enter upon, take possession of and use such lands to the width of four rods, and also to take from any land adjoining said road, gravel, stone, or earth, for the purpose of constructing or repairing said road, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter directed and provided in case of land.

How damages settled.

Sec. 8. Whenever it shall be necessary for said company to enter upon and occupy for the purpose of making said road, any land upon which the same may be located, and the owner or owners of said land shall refuse to permit such entry or occupation, and the parties cannot agree upon the compensation to be made for injury that may be done to said land by such entry or occupation, it shall and may be lawful for the parties to appoint three disinterested persons to estimate such damage, who shall take an oath or affirmation fairly and impartially to estimate the same, and who shall reside in the county where the land lies. The expenses incurred by said appraisers shall be defrayed by said company, but if the parties cannot agree upon such persons, or if the persons so chosen cannot decide upon the matter, or if the owner of said land shall refuse or neglect to join in such appointment within twenty days after requisition for that purpose upon him made, or if such owner shall be under legal disability or out of the state, then it shall be lawful for the judge of the circuit or county court in which such land lies, on application of either party, at the cost and charge of said company, to appoint three disinterested persons of the said county to view and examine said lands, and estimate the injury or damage, if any in their judgment will be sustained as aforesaid by reason of the location and construction

ed by said company, or any part thereof, or any work, buildings, or fixtures attached to or in use upon the same, belonging to said company, such person or persons so offending shall each of them, for every such offence, be liable to a civil suit for the recovery of damages by said company, by an action of trespass, in any court having competent jurisdiction in the county wherein the offence shall have been committed, and shall also be subject to indictment and upon conviction, shall be punished by fine and imprisonment, or either at the discretion of the court. Penalty for injury to road.

Sec. 14. Any person who shall willfully break or throw down any gate on such road, which may have been erected in pursuance of this act, or do any damage to said road, or forcibly or fraudulently pass such gate without having paid the legal toll, shall with his team, carriage, or animal, turn out of said road, or pass any gate thereon, or ground adjacent thereto, and again return on said road, shall, for each offense, forfeit a sum not exceeding ten dollars, to and for the use of said company, and also for all damages done to the profits of said company, in an action of trespass. Penalty for evading toll.

Sec. 15. The directors of said company at any annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, may provide for such increase of the capital stock of said company as may be found necessary to complete said road in such sections as may have been partially commenced but remain in an unfinished state for want of means for completing the same. May increase capital stock.

Sec. 16. If said company shall not within three years from the passage of this act commence the construction of said plank road, and expend three thousand dollars or more thereon, and shall not within ten years from the passage of this act, complete, finish, and put in operation a single or double track of plank road then the rights, privileges, and powers of the said corporation under this act shall be null and void. How charter forfeited.

Sec. 17. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state shall be evidence thereof. Public act.

Sec. 18. This act may be altered or amended by any future legislature of the state of Wisconsin.

J. M. M. SHATTER,
Speaker of the Assembly.

E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 17, 1852.

LEONARD J. FARWELL.

[*Published June 2, 1852.*]

Chap 418 An Act to incorporate the Madison and Westfield Plank and Gravel Road Company.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Commissioners. SECTION 1. Alexander L. Collins, Elisha Burdick, James D. Ruggles, Cassius Fairchild, John Favill, Simeon Dean, Charles Hallup, Charles O. Baxter, and Marcus Warren, be and they are hereby appointed commissioners under the direction of a majority of whom subscriptions may be received to the capital stock of the "Madison and Westfield Plank and Gravel Road Company," hereby incorporated, and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days' notice of the times and places of taking such subscriptions by publishing the same in one or more of the newspapers published at Madison, for three weeks in succession.

SEC. 2. The capital stock of said company shall not exceed one hundred thousand dollars, to be divided into shares of twenty dollars each, and as soon as one hundred shares of the capital stock shall be subscribed and five per cent. paid in, the subscribers of such stock, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created and declared a body corporate and politic by the name and style of the "Madison and Westfield Plank and Gravel Road Company," with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, leasing, and conveying estate, real, personal, or mixed, and in their corporate name may sue and be sued, may have a common seal, which they may alter or renew at pleasure, and may do all things which are authorized by law for the interest and well being of said company.

Powers.

SEC. 3. The said commissioners or a majority of them, after the said one hundred shares shall have been subscribed as aforesaid, shall give at least twenty days' notice in the newspapers heretofore mentioned, of the time and place of a meeting of the stockholders for the purpose of electing seven directors; and annually thereafter the said stockholders shall meet on the first Monday in January, for the purpose of electing directors as aforesaid, upon a like previous notice to be given by a majority of the directors for the time being, in such newspapers as they may think proper: *Provided*, That previous to the first election, the commissioners hereinbefore named shall elect one of their number president and they shall perform all the du-

To call meeting.

To call meeting.

Sec. 3. As soon as the sum of fifty thousand dollars is subscribed to the capital stock of the said company, the above named persons shall give notice to the stockholders in writing of a meeting of the stockholders to choose directors for the said company, and the said stockholders shall at such meeting choose nine directors, each share of capital stock entitling the owner to one vote, and may be cast by the owner or by proxy, and the above named persons or any two of them shall be inspectors of said election, and shall certify in writing who are chosen directors.

May make rules.

Sec. 4. The board of directors shall have full power to make such rules and by-laws for the choosing of their officers as they may see fit, and may constitute such officers as they may think for their advantage, as well as for conducting the business of the said company.

Route of road.

Sec. 5. Said company shall have full power to construct a rail road from the Falls of St. Croix, in the county of St. Croix, by the way of Willow River, to the Wisconsin River, at the most practicable point for crossing said river, and on the shortest and best route for reaching said point, and from thence to Madison in Dane county; and the capital stock of the said company shall be two million dollars and shall be divided into shares of one hundred dollars each.

Board of directors.

Sec. 6. The affairs of said corporation shall be managed by a board of not less than nine and not more than thirteen directors, to be determined by the said company, who shall be chosen annually by ballot, by the stockholders of the said company, the votes to be delivered in person or by proxy duly authorized, which directors shall appoint one of their own number to be president, and shall respectively serve for one year, or until other directors are elected; they shall have power to make and establish such by-laws, rules, and regulations not inconsistent with the constitution and laws of this state, as may be necessary for the well ordering the affairs of said company.

Each share of stock entitled to one vote

Sec. 7. None but stockholders shall be elected directors; and at every election, and in all cases where stockholders shall be called upon to vote, each share of stock shall be entitled to one vote, and in all cases of elections of directors, the thirteen stockholders having the highest number of votes shall be declared elected.

Powers of directors.

Sec. 8. The said directors shall meet at such times and places, and be convened in such manner as they may hereafter decide upon. A majority of said directors shall be a quorum for the transaction of business, who in the absence of the president shall appoint a president *pro tem.* The

said directors shall appoint a secretary, treasurer, and such engineers and other officers as they may find necessary; and they shall have full power to fix the compensation of all officers and agents, and may demand adequate security for the performance of their respective trusts; they shall decide the time and manner and proportions in which the said stockholders shall pay the money due on their respective shares, and forfeit to the use of the company the share or shares of every person or persons failing to pay any installments so required, at a reasonable period, not less than sixty days after the time by them appointed for the payment thereof; they shall have full power to regulate tolls, to make such covenants, contracts, and agreements with any person, co-partnership, or body politic whatsoever, as the construction and management of the works and the convenience and interest of the company may require, and in general to superintend and direct all the operations, receipts, disbursements, and other proceedings of the company: *Provided*, That no installment called in at any one time shall exceed twelve dollars per share, and that no installment shall be called for by the directors without at least thirty days' notice thereof to be given as the by-laws of said company may provide.

Proviso.

SEC. 9. The directors chosen as aforesaid, shall issue a certificate to each stockholder for the number of shares he or she may subscribe for or hold in said corporation, signed by the president and countersigned by the secretary, and sealed with the common seal, subject, however, to all payments due or to become thereon, which stock shall be transferable in person or by attorney, executors, administrators, guardians, or trustees, under such regulations as may be provided for in the by-laws of said company.

To issue certificates,

SEC. 10. At each annual meeting of the stockholders for the purpose of electing directors, the directors of the preceding year shall exhibit to them a complete statement of the affairs and doings of the company for such year; and special meetings of the stockholders may be called by order of the directors, or by stockholders holding one fourth of the capital stock on like notice as that required for annual meetings, specifying moreover the object of such meeting; but no business shall be transacted at such special meeting, unless a majority in value of the stockholders shall attend in person or by proxy.

To exhibit statement.

SEC. 11. The said company shall have power to locate and construct a rail road with a single or double track; and shall have power to transport, take, and carry property and persons upon the same by power and force of steam, of any

Power to construct road.

said road, and report the same under oath or affirmation to the circuit or county court of said county; which report being confirmed by said court, judgment shall be entered thereon. The said reviewers shall be entitled to two dollars per day, each, for their services, to be paid by the the said company in all cases where the damages shall be assessed to a greater amount than the sum that may have been tendered by said company for the use of said land, or to be paid by the owner or owners in all cases where the assessed damagess shall not be greater than the sum thus tendered: *Provided*, That in case the owner of such land be under any legal disability, then the costs of such assessment shall be paid by said company: *Provided further*, That either party may appeal to the said court within thirty days after such report may have been filed in the clerk's office, and such appeal shall be tried as other issues arising in said court: *And provided also*, That upon payment of the sum specified in the report of said viewers or appraisers, to the owner or owners of said land, or a deposit of the same for his or their benefit with the clerk of said court, [of the county] in which the land is situated, the said company may immediately take and use the same without waiting the issue of said appeal. Proviso.

Sec. 9. The said company shall have power to construct a single or double track plank road upon the aforesaid route. The track shall be constructed of plank, stone, gravel, or charcoal, in whole or in part, so that the same shall constitute a firm and smooth surface for the passage of wagons and carriages. The directors shall exercise all powers conferred on them by law, shall audit and pay all accounts against said company, may fix the compensation and salary of the officers they may appoint and meet at such times and places as they may prescribe in the by-laws to be made by them; they may appoint and remove all officers at pleasure, prescribe the meeting of the stockholders, and declare and pay the dividends which may accrue on the shares of said stock to the stockholders of said company on the first Monday of July and January in each year. Powers of directors.

Sec. 10. A majority of the directors may determine the point at which this road shall be commenced, and the part to be first constructed. They may erect toll gates and exact toll from persons traveling their road whenever three miles are finished, or whenever the whole road is completed, not exceeding two cents a mile for every vehicle drawn by two animals, and if drawn by more than Rates of toll.

two animals, one cent a mile for every additional animal; for every vehicle drawn by one animal, one cent a mile; and for every horse and rider or led animal, one cent a mile; for one score of sheep or swine, two cents a mile; and for every score of neat cattle, six cents a mile.

How charter forfeited.

SEC. 11. If said corporation shall not, within three years from the passage of this act, commence the construction of said plank road, and expend one thousand dollars or more thereon, and shall not within ten years, complete the road, then the rights, privileges, and powers of the said corporation under this act shall be null and void.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.
[*Published July* 1, 1852.]

Chap 419

An Act to incorporate the Northwestern Rail Road Company.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Created a body corporate

SECTION 1. Otis Hoyt, Wiram Knowlton, Timothy Burns, B. Allen, and John B. Hoyt, their associates, successors and assigns, are created a body corporate, by the name of the Northwestern Rail Road Company, and by that name shall be and are hereby made capable in law to purchase, hold and enjoy to themselves and their successors, lands, tenements, and hereditaments, so far as may be necessary for the purpose of erecting and constructing a rail road between the points hereinafter named, and shall have full power to sell, grant, rent, or in any manner dispose of the same; and the said company shall have full power to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, and also to make, have, and use a common seal, the same to alter, break or renew at their pleasure.

To open books

SEC. 2. The above named persons, or a majority of them, are hereby authorized to open books for receiving subscriptions to the capital stock of said company, and shall prescribe the form of such subscription, which books shall be opened within eighteen months from the passage of said act at such place or places as they may deem expedient, and the said books shall be kept open thirty days

To call meeting.

Sec. 3. As soon as the sum of fifty thousand dollars is subscribed to the capital stock of the said company, the above named persons shall give notice to the stockholders in writing of a meeting of the stockholders to choose directors for the said company, and the said stockholders shall at such meeting choose nine directors, each share of capital stock entitling the owner to one vote, and may be cast by the owner or by proxy, and the above named persons or any two of them shall be inspectors of said election, and shall certify in writing who are chosen directors.

May make rules.

Sec. 4. The board of directors shall have full power to make such rules and by-laws for the choosing of their officers as they may see fit, and may constitute such officers as they may think for their advantage, as well as for conducting the business of the said company.

Route of road.

Sec. 5. Said company shall have full power to construct a rail road from the Falls of St. Croix, in the county of St. Croix, by the way of Willow River, to the Wisconsin River, at the most practicable point for crossing said river, and on the shortest and best route for reaching said point, and from thence to Madison in Dane county; and the capital stock of the said company shall be two million dollars and shall be divided into shares of one hundred dollars each.

Board of directors.

Sec. 6. The affairs of said corporation shall be managed by a board of not less than nine and not more than thirteen directors, to be determined by the said company, who shall be chosen annually by ballot, by the stockholders of the said company, the votes to be delivered in person or by proxy duly authorized, which directors shall appoint one of their own number to be president, and shall respectively serve for one year, or until other directors are elected; they shall have power to make and establish such by-laws, rules, and regulations not inconsistent with the constitution and laws of this state, as may be necessary for the well ordering the affairs of said company.

Each share of stock entitled to one vote.

Sec. 7. None but stockholders shall be elected directors; and at every election, and in all cases where stockholders shall be called upon to vote, each share of stock shall be entitled to one vote, and in all cases of elections of directors, the thirteen stockholders having the highest number of votes shall be declared elected.

Powers of directors.

Sec. 8. The said directors shall meet at such times and places, and be convened in such manner as they may hereafter decide upon. A majority of said directors shall be a quorum for the transaction of business, who in the absence of the president shall appoint a president *pro tem.* The

company, their agents, or the contractor for making or repairing said rail road, may immediately take and use the same without awaiting the issue of any appeal brought thereon; and the said company shall before *(using)* [opening] said road through enclosed grounds, erect such fencing as shall preserve such enclosure entire, and shall before commencing to use said road as a rail road, erect a good and sufficient fence on both sides of said road through all enclosed grounds, and shall maintain the same so long as they use said road as a rail road.

Company entitled to easement of land.

Sec. 15. Whenever any judgment shall have been entered as hereinbefore provided, for the value of any lands, or for any damages for the taking and using of the same, and the amount specified in such judgment shall have been paid or tendered to the owner or owners of such lands, his, her, or their legal representatives, the said company shall be entitled to the easement of the same so long as it shall be used as the track of said rail road; and if such valuation be not received when tendered, it may at any time thereafter be received, or may be collected from said company by action at law, at the cost and expense of the person or persons entitled to the same: *Provided*, That the cost of any proceedings and judgments specified in the last preceding section shall be taxed by the court and paid by said company, except in cases where upon appeal the verdict of the jury shall be for the same or a less sum than that reported by the said commissioners.

Proviso.

Road not to obstruct highway.

Sec. 16. The said rail road shall be so constructed as not to impede or obstruct the free use and passage of any public road or roads which may cross the same, and in all places where such rail road may cross, or in any way interfere with any public road, it shall be the duty of said company to make or cause to be made a sufficient causeway or passageway to enable all persons traveling such public road to pass over or under such rail road without inconvenience: *Provided*, That in cases where said rail road may cross or come in contact with any public or private road so as to occupy any part of such road, it shall be lawful for said company to construct said rail road across or upon such road, after altering and putting the same in as good condition as before, and for that purpose the said company shall previous to occupying any part of such road, construct a new road, in part or in whole, as may be necessary, on ground adjacent to such road, and in every respect complete such newly constructed road or part of a road so interfered with, as substantially as it was previous to the disturbance and occupancy thereof by said company.

Proviso.

To make passageway.

Sec. 17. For the convenience of persons owning or possessing lands through which said rail road shall pass, it shall be the duty of said company when required, to make a good and sufficient passage over or under said rail road, whenever the same may be necessary to enable the occupants of said lands to pass over or under the same with wagons, carts, and implements of husbandry as occasion may require: *Provided*, That said company shall in no case be required to make more than one such passage way for each farm; and when any public road shall cross said rail road in any farm, the person owning or possessing said farm shall not be entitled to require said company to make any additional causeway.

Proviso.

Public act.

Sec. 18. This act shall be favorably construed to effect the purposes hereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state of Wisconsin, shall be received as evidence thereof.

Penalty for damage to road.

Sec. 19. Any person who shall willfully and maliciously place any obstruction or thing upon the track of said road, or shall remove or damage any part thereof, in such a manner that the engine or cars may be impeded or thrown off the track, shall be guilty of a misdemeanor whether such result shall happen or not, and shall be punished for every such offence by imprisonment in the state prison, for a term of not less than one nor more than five years, at the discretion of the court, and in case any damage shall result from the placing such obstructions, or injury to said road, said party shall be liable to pay all such damage to said company, and to any other person damaged or injured thereby, and in case any accident shall happen in consequence of placing such obstructions, or in consequence of breaking or injuring said road, whereby death may be produced, the party so offending shall be adjudged guilty of murder in the first degree, and shall be punished agreeably to the law in such cases made and provided.

May borrow money.

Sec. 20. The said [illegible] company are hereby authorized and fully empowered in their corporate name and capacity to borrow any sum or sums of money from any persons, corporations, or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company, and any person or persons from whom such money may be obtained, and make and enter into in their corporate name all necessary writings, notes, bonds, deeds, or other papers, and make, execute, and deliver such securities in amount and kind, as may be deemed expedient by said corporation, any law on the subject of usury in

this state or any other state where such transaction may be made to the contrary notwithstanding; and the powers of said corporation, for the purposes aforesaid, and for all purposes necessary to carrying out the objects of said company hereinbefore expressed, and the contracts and official acts of said company, are hereby declared binding, in law and equity, upon said corporation, and all other parties to said contracts.

May purchase lands.

Sec. 21. This act shall be in force from and after its passage; and it shall be lawful for said company to purchase lands adjoining or adjacent to said rail road, for the purpose of procuring earth, gravel, stone, or other materials for the construction and repair of said road or buildings and fixtures connected therewith, and whenever such lands shall no longer be needed for the purposes aforesaid, the said company are hereby authorized to sell and convey the same.

Proceedings in case of incumbrance.

Sec. 22. In case there shall be incumbrances upon the land taken as hereinbefore provided, it shall be sufficient for the said company to deposit the amount of damages assessed as herein provided, with the clerk of the circuit court of the county where the land lies, to be paid over by the said clerk to the owner of said land or his lawfully authorized agent, upon the removal of the said incumbrances.

Reciprocal use of roads.

Sec. 23. This company shall have power to enter upon and pass over the rail road of any other company with which rail road connects with that of this company, with their cars and engines, and any other company shall have like power to enter upon this rail road whose rail road connects with this rail road, and pass over the same with their cars and engines and such reciprocal use of said respective rail roads, shall be upon terms to be agreed upon by the officers of the respective companies, and in case such terms cannot be agreed upon by said officers, then an application may be made by either party to the supreme court of this state, whose duty it shall be to fix such terms for the respective parties as the equity of the case may demand.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

[*Published July* 13, 1852.]

An Act to appropriate to Charles T. Wakeley the sum therein named.

Chap 420

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Charles T. Wakeley, out of any money in the treasury not otherwise appropriated, the sum of seven hundred and eighty-two dollars and fifty cents, in full for publishing laws passed at the present session of the legislature, in the Wisconsin Argus and Wisconsin Express, up to and including the fourteenth day of April.

J. McM. SHAFTER,
Speaker of the Assembly.

E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved, April 17, 1852.

LEONARD J. FARWELL.

An Act to provide for laying out a State Road therein named.

Chap 421

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That Sylvanus Wade, William R. Talladge, Amos Giltner, Isaac C. Loomis, and Ormond Coe, and they are hereby appointed commissioners to lay out and establish a state road, commencing in the town of Calumet on the south side of the harbor, on the east shore of lake Winnebago, in section 27, and running thence in an easterly direction to the north-east quarter of section 26 in the same town and range, and thence by the way of Green Bush in the county of Sheboygan, to Port Washington in the county of Washington. Commissioners.

SEC. 2. Said commissioners shall be entitled to such compensation for laying out said road as the boards of supervisors of the several counties through which said road may pass, may deem sufficient: *Provided*, That no money shall be paid out of the state treasury therefor: *And provided*, That any three of said commissioners shall form a quorum for business. Compensation. Proviso.

SEC. 3. Immediately upon the reception hereof the

Secretary to forward copy of act

secretary of state is hereby directed to forward a copy of this act to each of said commissioners, by mail.

J. McM. SHAFTER,
Speaker of the Assembly.

E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved, April 17, 1852.

LEONARD J. FARWELL.

[*Published June* 22, 1852.]

Chap 422 An Act to detach town 16, range 19, from the towns of Forrest and Calumet and form the town of Kossuth.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Town organized.

SECTION 1. That town 16, north of range 19, east, be and is hereby detached from the towns of Calumet and Forrest, and that the same be constituted a separate town, to be known as the town of Kossuth.

First meeting.

SEC. 2. The first town meeting of the inhabitants of said town, shall be held at the house of George Harkness.

SEC. 3. This act shall take effect from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.

E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved April 17, 1852.

LEONARD J. FARWELL.

[*Published, June* 15, 1852.]

Chap 423 An Act to vacate portions of North Madison Road in the towns of Lisbon and Menomonee in Waukesha County

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Road discontinued.

SECTION 1. That so much of the old territorial road known as the North Madison road, in the towns of Lisbon and Menomonee, and not used by the Milwaukee and Lisbon plank road company, and which is thereby rendered unnecessary for travel as a public highway, be and the same is hereby discontinued.

Sec. 2. This act shall take effect and be in force from nd after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.
[*Published June* 15, 1852.]

An Act to provide for laying out a certain State Road therein mentioned. **Chap 424**

The people of the State of Wisconsin represented in ate and Assembly, do enact as follows:

Section 1. Zebine Wilson, Clark Chambers, and Wil- n De Wolf, be and they are hereby appointed commis- ers to lay out and establish a state road from Delavan he county of Walworth, to Seeley's Mills in the county Jefferson, with power to adopt so much of a territorial l heretofore laid out, leading from Delavan to Water- n, as the said commissioners shall deem practicable: *vided*, That no money shall be paid out of the state sury to defray the expense of surveying and locating road. Commissioners. Proviso.

J. McM. SHAFTER.
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

pproved, April 17, 1852.
LEONARD J. FARWELL.
[*Published June* 22, 1852.]

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t to amend section 21, chapter 102, also section 12, chapter 131, of the Revised Statutes. **Chap 425**

e people of the State of Wisconsin, represented in e and Assembly, do enact as follows:

TION 1. Section twenty-one of chapter one hundred vo of the revised statutes, is hereby amended so as l as follows: such acknowledgment shall be made some judge of the court in which the judgment was ed, or before some judge of the circuit court or commissioner, or before any other officer duly quali- r law to take the acknowledgment of deeds, who ertify that the party making the same was known made known to such officer by competent proof. Act amended.

Further amended.

SEC. 2. The eleventh clause of section twelve of chapter one hundred and thirty-one, is hereby amended so as to read as follows: for each mile actually traveled going and returning to serve any process to give or post up notice, six cents.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved April 17, 1852.
LEONARD J. FARWELL.

[*Published, June 15, 1852.*]

Chap 426 An Act granting to Peter Myers the right to keep up and maintain a building in Rock River, at Janesville.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Authorized to keep up building

SECTION 1. Peter Myers is hereby authorized and empowered to keep up and maintain the building known as a meat market, now occupied by the said Peter Myers, which said building stands in the Rock river, abutting on to the bridge across the said river between the terminus upon the same of Milwaukee street, in the village of Janesville, and Milwaukee street in Smith, Bailey, and Stone's Addition to the village of Janesville in Rock county.

Proviso.

Provided, That the said building shall not materially obstruct the floatage upon the said river: *Provided also*, That the said building may be kept and maintained where it now stands so long as the same shall be used as a meat market.

SEC. 2. This act shall be in force from and after its passage.

J. McM. SHAFTER.
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved April 17, 1852.
LEONARD J. FARWELL.

[*Published, June 2, 1852.*]

An Act to amend chapter 162 of the Session Laws of 1851. Chap. 427

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. The board of supervisors of the several towns, and the board of aldermen of any city, and the board of trustees of any incorporated village within this state, shall have power to license the sale of spirituous liquors as provided in the first section of the act to which this is amendatory, and the sum to be paid therefor by the person applying for such license, shall be not less than ten and not more than one hundred dollars, at the discretion of the board of supervisors, the board of aldermen, or the board of trustees, as the case may be. Who to grant license.

SEC. 2. The board of supervisors, board of aldermen, or trustees, shall if they deem expedient, grant license to such persons in their respective towns, cities, or villages as are desirous to sell spirituous liquors in quantities not less than one gallon, and the sum to be paid therefor shall not be less than ten nor more than forty dollars at the discretion of the said supervisors, aldermen, or trustees. Rate of license.

SEC. 3. The penalty to be recovered under the fifth section of the act to which this is amendatory, shall be not less than ten nor more than forty dollars. Penalty.

SEC. 4. The board of supervisors, board of aldermen, or trustees, shall if they deem it expedient, grant license in their respective towns, cities, or villages, to sell intoxicating or spirituous liquors in any quantity less than one gallon, to such persons as keep houses of public entertainment, as provided in the fifteenth section of the act to which this is amendatory, and the sum to be paid therefor shall not be less than ten nor more than thirty dollars, at the discretion of the said supervisors, aldermen, or trustees. License to public houses.

SEC. 5. All laws contravening the provisions of this act are hereby repealed.

J. McM. SHAFTER.
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

[*Published, May 5, 1852.*]

Chap 428 An Act to appropriate to Nelson McNeal the sum of money therein named.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Nelson McNeal the sum of seven thousand five hundred dollars, in full payment and satisfaction of all and every claim for damages by him sustained in consequence of the failure to furnish the steam dredge to aid the said Nelson McNeal in excavating the lock pits of the Portage canal.

SEC. 2. The sum appropriated by this act shall be paid out of the Fox and Wisconsin river improvement fund.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

Chap 429 An Act granting further powers to the Board of Supervisors of the several Counties.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of supervisors of each county in this state, shall have power and authority, at any legal meeting, in addition to the powers heretofore conferred upon them,

Powers of supervisors.

1. To alter or change the name of any person, town, or village, in their respective counties.

2. To alter or vacate any town or village, or any part thereof, surveyed, platted, and recorded in such county upon petition, and upon such notice as is required in vacating towns by the circuit court.

3. To grant charters to any persons to build and maintain toll and free bridges in their respective counties, and to regulate the tolls thereof.

4. To incorporate literary, benevolent, charitable, and scientific institutions.

5. To grant charters and confer corporate powers to such persons or companies as they may deem expedient to build and maintain plank or turnpike roads in their respective counties, not inconsistent with the laws of the state, and to regulate the tolls thereof.

6. To grant charters for ferries to such persons and for such period of time as they may think right not exceeding ten years, and to prescribe the rate of ferriage.

In case the name of any town shall be changed by any board of supervisors, it shall be the duty of the clerk of said board immediately to transmit a copy of the record of the change of name to the secretary of state; also to publish the same in some newspaper printed in such county, if one be published therein, if not, then in some newspaper published in some adjoining county, for four weeks. Clerk to transmit copy.

Sec. 2. All orders and determinations by which the provisions of this act shall be carried into effect, shall be in the ordinary form of laws passed by the legislature of this state, and shall commence as follows: "The Board of supervisors of the County of ——— do order and determine as follows:

Section —." Form of orders.

Sec. 3. It shall be the duty of the clerks of the board of supervisors of the respective counties of this state, whenever any order or determination is made under the provisions of this act, to cause the same to be published in some newspaper published in such county, and if there shall be no newspaper published in such county, then in such paper as shall have the most general circulation in such county. Order to be published.

Sec. 4. Such clerk shall order a number of the papers containing any such order or determination, sufficient to distribute one to each of the town clerks of his county, and so distribute them, and such town clerks shall on receipt thereof file the same in their respective offices. To order newspapers.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

[*Published May* 12, 1852.]

An Act relating to the Village of Madison. **Chap 430**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. It shall be the duty of the treasurer of the village of Madison annually, on or before the first Monday of January, to return to the clerk of said village a correct list of all delinquent taxes, verified by affidavit, that he has been unable to collect the same, and that all lots upon which such taxes are charged have been offered for sale, and not sold for want of bidders; and also by the same Treasurer to return lots not sold.

time to settle his accounts as such treasurer with the president and trustees, and deliver over to them all orders by him redeemed, to be cancelled; for the present year it shall be the duty of the treasurer to make his return and settlement as aforesaid, on or before the first Monday of March, 1852.

Delinquent tax to be added to next roll.

SEC. 2. It shall be the duty of the clerk to add all delinquent taxes returned as aforesaid, with 12 per cent damages thereon, to the next tax roll, and the treasurer in collecting shall not receive the taxes of the current year on any lot or part of lot, without the delinquent tax on such lot or part of lot shall at the same time be paid, and every receipt given for taxes contrary to the provisions of this act, shall be void.

Burial lots.

SEC. 3. All records of sale and conveyances of burial lots in the village cemetery of said village, made and recorded in pursuance of the ordinances and by-laws of said village, shall be evidence of title to the same extent, and may be used in like manner as other records of the conveyance of real estate.

When deeds to be evidence of title.

SEC. 4. All deeds given for lands sold for the taxes of said village, shall be conclusive evidence of the title, after five years from the recording of the same, except in cases where the taxes shall have been paid before the sale.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

[*Published June 2, 1852.*]

Chap 431 An Act to provide for a special tax for the improvement of the Manitowoc and Calumet Road.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Commissioners.

SECTION 1. August Bœnsch, Anthony McNulty, and Chauncey H. Eaton of Manitowoc county, and A. D. Dick, N. E. Eastman, and W. H. Dick of Calumet county, are hereby appointed commissioners under the direction of whom as hereinafter provided, the tax provided for in this act shall be expended, to improve the road leading from the village of Manitowoc in the county of Manitowoc, in a westerly direction to Lake Winnebago in the county of Calumet, commonly known as the "Manitowoc and Calumet Road."

Sec. 2. Before entering upon the duties required by this act, the said commissioners shall take and subscribe an oath or affirmation to perform such duties faithfully and impartially, and shall execute a bond to the officers hereinafter named in the penal sum of three thousand dollars with such surety or sureties as the officers hereinafter named shall approve, conditioned for the faithful and just expenditure of all money that may come into their hands or the hands of either of them, by virtue of this act, and for the faithful performance of all their duties under this act. The commissioners residing in the county of Manitowoc shall file their oaths or affirmations with the town clerk of the town of Manitowoc, and execute their bond to the supervisors of such town; and the town clerk of said town shall approve of the surety or sureties in such bond. The commissioners residing in the county of Calumet shall file their oaths or affirmations with the town clerk of the town of Manchester, and execute their bond to the supervisors of such town, and the town clerk of said town shall approve of the surety or sureties in such bond. The said supervisors are hereby authorized to prosecute said bonds whenever the conditions thereof shall be broken; and shall have power to require said commissioners to account with them as often as they may deem necessary. To take and file oath.

Sec. 3. The said commissioners may appoint from their own number a clerk and a treasurer. Officers.

Sec. 4. On or before the last day of June, A. D. 1852, each of the commissioners appointed clerk under this act, shall make out an assessment roll containing a description of all the lands and lots lying along the line of said road in this county, and within three miles of said road, which, in the opinion of said commissioners, will be particularly benefited by the improvement of said road; and shall set down in said roll, as far as can be ascertained, the names of the owners [of] such lands or lots respectively; and on the completion of said rolls the said commissioners shall meet on such day in the month of May or June, and at such place as they may agree upon, for the purpose of making an assessment of said lands and lots, and they shall assess the same at their then cash value, setting down opposite each tract or lot of land described in said roll, the valuation so ascertained. Assessment roll.

Sec. 5. Said commissioners shall levy such tax on all the lands and lots aforesaid, as in their opinion may be necessary to improve said road and render the same passable for a wagon road, not exceeding thirty mills on the dollar; and their said clerks respectively shall thereupon calculate To levy taxes.

and carry out such tax on said roll opposite each tract or lot therein described.

When collected. Sec. 6. On or before the first day of July, A. D. 1852, the treasurer or any one of said commissioners may proceed to collect the taxes in said roll in the same manner and with like powers as town treasurers are authorized by law to collect other taxes.

How tax paid. Sec. 7. Any person charged with taxes in said roll may work out the same at one dollar per day, under the direction of said commissioners, or either of them, or by furnishing utensils or materials at such prices as may be agreed upon.

Delinquent list. Sec. 8. In event of any part of the tax remaining unpaid on any of the property described on said rolls, it shall be the duty of the said treasurers or one of said commissioners, on or before the first day of November next, to make out a list of such delinquent lands or lots and return the same to the town clerks respectively, of the towns in which such delinquent lands may lie, and it shall be and is hereby made the duty of said town clerks to enter such unpaid taxes in their respective tax lists for the year 1852, opposite the proper description of lands and lots; and such unpaid taxes shall then be collected by the town treasurers of said towns respectively, in money, at the time and in the manner of collecting county, state, and other taxes. It shall be the duty of such treasurers to pay over all moneys collected by them, to said commissioners on demand of any of them, taking proper vouchers therefor. In case any part of such taxes shall not be collected by said treasurers, they shall return the same with other delinquent taxes to the county treasurers of their respective counties, who shall collect the same as other taxes are by them collected, and proceed to sale of the lands for non-payment of such taxes, as in other cases, and it shall be the duty of the county treasurers and clerks of the county boards of supervisors into whose hands any of said delinquent taxes shall come, to pay the same to the said commissioners; and said officers are hereby made liable on their official bonds for such moneys, in the same manner as is now provided by law touching their liability for other moneys.

May work out tax. Sec. 9. Any person or persons, under the direction of said commissioners, may work out unpaid taxes on any of the lands or lots described in the assessment roll made by said commissioners, at any time after the delinquent lists above named have been delivered to the town clerks as aforesaid, and take from said commissioners a certificate

setting forth the fact and describing the land on which the tax has been so paid; and the holder of said certificate shall be entitled to draw the money from any office or person who may have the custody of the same at any time when the tax on such land or any part of it shall be paid by the owner.

How money expended.

Sec. 10. It shall be the duty of said commissioners to expend the moneys collected and apply the labor to be done on said road in such manner as will improve the same to the best advantage; and they shall proceed with the same without unnecessary delay.

Compensation.

Sec. 11. Each of said commissioners shall receive one dollar and fifty cents per day for every day actually and necessarily spent in the discharge of their duties under this act.

Jurisdiction.

Sec. 12. The said commissioners and the said town and county officers shall act only in the county in which they reside or belong; and the acts of any two of the commissioners in each of said counties shall be valid, any thing in this act to the contrary notwithstanding.

J. McM. SHAFTER,
Speaker of the Assembly.

E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

[*Published June 22, 1852.*]

An Act to provide for the establishment of a Commissioner of Emigration for the State of Wisconsin in the City of New York.

Chap 432

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Governor to appoint commissioner of emmigration.

Section 1. A commissioner of emigration for the state of Wisconsin shall be appointed by the governor, whose duty it shall be to reside and to keep an office in the city of New York from the first day of May next to the first day of May of the year 1853; to be present during the usual business hours at such office and to give to emigrants the necessary information in relation to the soil and climate of the state and the branches of business to be pursued with advantage therein, and the cheapest and most expeditious route by which the same can reach the state, and to give such further information as will, as far as practicable,

protect emigrants against the impositions often practiced upon them; to report to the governor as often as required, and in the manner to be prescribed by him, the number of emigrants sent by him to the state, their nationality, and the branches of business intended to be pursued by them; to employ such assistance in the business of his office as will be required and approved by the governor.

May remove from office.

Sec. 2. The governor shall have power to remove such commissioner for inefficiency and misconduct in the discharge of the duties of his office, and to appoint some proper person in his place.

Money appropriated.

Sec. 3. The following sums of money are hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to carry out the objects of this act: the sum of fifteen hundred dollars for the salary of the said commissioner of emigration; a sum not exceeding twelve hundred and fifty dollars, to be expended under the direction of the governor, in the publication of a description of the state in English, German, and such other languages as the governor shall deem advisable; a sum not exceeding two hundred and fifty dollars, for office rent; a sum not exceeding one hundred dollars for maps, to be used in the office of the commissioner of emigration, and for furnishing the same; a sum not exceeding seven hundred dollars for assistance of said commissioner.

How paid.

Sec. 4. The salary of said commissioner shall be paid to him quarterly in advance, and the remainder of the sums appropriated shall be paid on the order of the governor, for said purposes, in such sums and at such times as the governor shall direct.

Sec. 5. This act shall take effect from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

[*Published, June 9, 1852.*]

An Act to provide for the traveling expenses of the State Superintendent. Chap 433

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to the state superintendent, in full for traveling expenses, the sum of six hundred dollars, to be paid in quarterly in stallments of one hundred and fifty dollars in advance, out of any money in the treasury not otherwise appropriated: *Provided*, That no money shall be paid out of the treasury after the first quarter, until the state superintendent shall have made out a full account of expenses, certified by affidavit, of all moneys previously drawn in accordance with this act.

Sec. 2. This act shall take effect and be in force from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

[*Published June* 22, 1852.]

An Act to appropriate the several Sums of Money therein named.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows: Chap 434

Section 1. There is hereby appropriated, out of any money in state treasury not otherwise appropriated, to Leonard S. Hill the sum of two hundred and forty two dollars and fifty cents; to Martins Martin the sum of two hundred and forty-two dollars and fifty cents; to Patrick Lulee the sum of two hundred and forty-two dollars and fifty cents, in full pay for services as firemen during the present session of the legislature, up to and including the nineteenth day of April, A. D. 1852.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

Chap 435 An Act to appropriate to the Chaplains employed during the present session of the Legislature.

Section 1. There is hereby appropriated, to be paid out of any money in state treasury not otherwise appropropriated, as full pay for services as chaplain during the present session of the legislature,

To Charles Lord the sum of fifty dollars.
To J. M. Snow the sum of fifty dollars.
To H. B. Gardner the sum of fifty dollars.
To Rev. Father Etchman the sum of fifty dollars.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

Chap 436 An Act to appropriate to Schoeffler & Wendte, the sum therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to Schoeffler & Wendte, publishers of the Wisconsin Banner, out of any money in the treasury not otherwise appropriated, the sum of forty-five dollars and twenty five cents, in full for publishing notice of the judicial election in the second judicial circuit, in 1852, and for furnishing five hundred copies of said paper containing the governor's message in the German language, for the use of the senate.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

Chap 437 An Act to appropriate to B. W. Brisbois, Treasurer of Crawford County, the sum therein named.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to B. W. Brisbois, treasurer of Crawford County, to be paid out of the school fund, the sum of one hundred and thirty dollars, in full payment for money paid on the 14th of May, 1849, by said county, to Isaac Spencer and Edward P. Lockart, for

subdividing and appraising a portion of the sixteenth sections of school lands in said county.

Sec. 2. This act shall take effect and be in force from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

An Act to appropriate to John White the sum therein named. **Chap 438**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to John White out of any money in the treasury not otherwise appropriated, the sum of one hundred and sixty-five dollars and fifty-seven cents, in full for boarding John Morffler, John Bowman, Wm. B. Radcliff, Thomas Thompson, and Frederick Rumblieb, up to the third of April, 1852, and for committing and discharging the above named state prisoners, and in full for carriage hire, teams, and expenses of self and assistants in removing said prisoners from Milwaukee to Waupun.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

An Act to appropriate to Starr & Co a sum of money therein named. **Chap 439**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to Starr & Co. the sum of eight dollars out of any money not otherwise appropriated, in full for printing blank bills in chancery, December 7th, 1851.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

Chap 440

An Act to appropriate to Daniel H. Chandler the sum therein named.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Treasurer to pay out money.

Section 1. The state treasurer is hereby authorized to pay to Daniel H. Chandler, the late reporter of the decisions of the supreme court, out of any moneys in the treasury not otherwise appropriated, the sum of three hundred dollars in full compensation and satisfaction for one hundred volumes of the decisions of the supreme court, being volume third of such decisions for the year eighteen hundred and fifty-one, but such payment shall not be made until one hundred bound copies shall be delivered to the governor, or to the secretary of state for the state of Wisconsin, in conformity with title eight, chapter twenty-two of the Revised Statutes.

Sec. 2. This act shall take effect immediately after the compliance with the provisions thereof.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

Chap 441

An Act to appropriate to James Halpin the sum therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to James Halpin, out of any money in the state treasury not otherwise appropriated, the sum of nineteen dollars, in full for his services from the first to the fourteenth of January, 1852, in cleaning and preparing the halls for the meeting the legislature, expended for repairs done to the carpets and other work.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved April 17, 1852.
LEONARD J. FARWELL.

An Act to appropriate to E. B. Kelsey a certain sum of money. Chap 442

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to E. B. Kelsey, out of any money in the treasury not otherwise appropriated, the sum of sixty-two dollars and fifty cents, in full for writing done during the months of January and February for commissioners of school and university lands.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

An Act to appropriate to B. F. Hopkins the sum therein named. Chap 443

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to B. F. Hopkins, out of any money in the treasury not otherwise appropriated, the sum of five dollars and fifty-eight cents, for expenses of telegraphing to New York city relative to a loan of money to the state.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved April 17, 1852.
LEONARD J. FARWELL.

An Act to appropriate to E. D. Ilsley & Co. the sum therein named. Chap 444

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to E. D. Ilsley & Co., out of any money in the state treasury not otherwise appropriated, the sum of two dollars and sixty-seven cents, ($2 67) in full for two hundred and forty-three feet of oak boards furnished the state in the month of March, A. D. 1852.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

Chap 445 An Act to appropriate to Philip E. Shannon the sum therein named.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Phillip E. Shannon, out of any money in the treasury not otherwise appropriated, the sum of fifty-one dollars, in full for seventeen days services as clerk for the committee on education, &c., in accordance with a resolution introduced and adopted March 1st, 1352.

J. McM. SHAFTER,
Speaker of the Assembly.

E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

Chap 446 An Act to appropriate to John McEwen the sum therein named.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

SECTION 1. There is hereby appropriated to John Mc Ewen, to be paid out of any money in the treasury not otherwise appropriated, the sum of two hundred and twenty dollars, in full of account against the state for camphene furnished from the 8th of January, 1852, to the 23d of March, inclusive, in the same year.

J. McM. SHAFTER,
Speaker of the Assembly.

E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

Chap 447 An Act to appropriate to J. W. Seabury the sum therein named.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to J. W. Seabury, assignee of David Baxter, the sum of one hundred and seventy-seven dollars and fifteen cents, out of any money in the treasury not otherwise appropriated, in full for principal and interest on bond number ten, issued by

he territory of Wisconsin and bearing date April first, 1841.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

An Act to appropriate to E B Dean, Jr., the sum therein named. **Chap 448**

The people of the State of Wisconsin represented in enate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to E. B. Dean, r., out of any money in the treasury not otherwise appropriated, the sum of one hundred and two dollars, in ll for forty-one days service as president *pro tempore*, of ie senate.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved April 17, 1852.
LEONARD J. FARWELL.

An Act to appropriate sums of money to the persons therein named. **Chap 449**

The people of the State of Wisconsin represented in Sen- and Assembly, do enact as follows:

Section 1. There is hereby appropriated in payment newspapers furnished to members of the present le- lature, upon their order, Money appropriated for newspapers.

To Rufus King & Co. one hundred and eighty dollars.
To S. M. Booth, two hundred and eighty-five dollars.
To William E. Cramer & Co. one hundred and fifteen lars and fifty cents.
To George Hyer forty-five dollars.
To Wilson & Hamilton, sixty-one dollars and fifty cents.
To Schoeffler & Wendt, sixty dollars.
To Fratney & Hertzberg, twenty-seven dollars.
To Carpenter & Tenney, six hundred and eighteen dol- and seventy-five cents.
To Atwood & Ruck, two hundred and sixty-nine dollars twenty-five cents.
To Wyman & Bugh, three hundred and twenty-three lars] and twenty-five cents.

To C. Clement for Kenosha Telegraph, five dollars.

To H. D. Barron & Co. for Waukesha Democrat, five dollars.

To Bliss & Cheney for Mineral Point Tribune, five dollars.

To Davis & Clark for Sauk County Standard, eleven dollars and fifty cents.

To John Walworth for Monroe Sentinel, one dollar.

To J. A. Hadley for Watertown Chronicle and for balance due on papers furnished last session, ten dollars and eighty cents.

To George H. Paul for Kenosha Democrat, three dollars.

To the publisher of the Racine Commercial Advertiser, two dollars.

To Bunner & Harrison for Racine Advocate, three dollars and fifty cents.

To John Mitchell for Democratic Standard, two dollars.

To publisher of Beloit Journal, one dollar and fifty cents.

To Alden & Holt for Janesville Gazette, seventeen dollars.

To Reed & Bro. for Fond du Lac Patriot, one dollar.

To E. Beeson for Fond du Lac Journal, one dollar.

To publisher of the Marquette Mercury, three dollars.

To the publisher of the Oshkosh Democrat, eleven dollars.

To F. J. Mills for the Sheboygan Lake Journal, two dollars.

To John Delany for the River Times, two dollars.

To H. E. Quiner for the State Register, one dollar.

To the publisher of the Northern Republic, three dollars.

To the publisher of the Shebygan Mercury, one dollar.

To the publisher of the Green Bay Spectator, one dollar.

To Wm. R. Perry for newspapers, three dollars.

To Bird & Vail for newspapers, four dollars and fifty cents, and for publishing notice of election on removal of county seat, five dollars.

To Beriah Brown the sum of one hundred and two dollars and fifty cents as extra pay for newspapers furnished at the present session of the legislature.

J. McM. SHAFTER,
Speaker of the Assembly.

E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 17, 1852.

LEONARD J. FARWELL.

An Act to incorporate the Milwaukee and Horicon Rail Road Company. **Chap 450**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That J. B. Smith, George C. Rosman, L. E. Peck, William H. Sullivan, Peter Winter, S. N. Rice, H. B. Marsh, S. Ercanbrack, and Jonathan Burr, be, and they are hereby appointed commissioners, under a majority of whom, subscriptions may be received to the capital stock of the Milwaukee and Horicon Rail Road Company, hereby incorporated, and they may cause books to be opened at such times and places as they may direct for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days' notice of the times and places of taking such subscriptions by publishing the same in some weekly paper printed in the city of Milwaukee. Commissioners.

Sec. 2. The capital stock of said company shall be eight hundred thousand dollars in shares of one hundred dollars each, and as soon as five hundred shares of stock shall be subscribed, and five dollars on each share actually paid in, the subscribers of such stock with such other persons as shall associate with them for such purpose, their successors and assigns, shall be, and they are hereby declared and created a body corporate and politic, by the name and style of the "Milwaukee and Horicon Rail Road Company," with perpetual succession, and by that name shall have all the privileges, franchises, and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing, and conveying estate, either real, personal, or mixed, as far as the same may be necessary for the purposes hereinafter mentioned and no further; and in their corporate name may sue and be sued, may have a common seal which they may alter and renew at pleasure, and generally may do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation. Capital stock.

Sec. 3. The said commissioners, or a majority of them, after the said five hundred shares of stock shall have been subscribed as aforesaid, shall give at least thirty days' notice in the newspaper hereinbefore mentioned, of the time and place by them appointed for the subscribers or stockholders to meet for the purpose of electing seven directors, and annually thereafter the said stockholders shall meet on the first Wednesday in January, for the purpose of electing directors as aforesaid, upon like previous notice to be given as aforesaid: *Provided*, That previous to the first election, the commissioners hereinbefore named To call meeting.

shall elect one of their number president, and they shall perform all the duties and be invested with all the powers of directors: *And provided*, That if from any cause an election shall not be held at the regular time specified therefor, the same may be held at any other time, on notice as aforesaid; that until such election, the directors of the preceding year shall continue to act, and that this charter shall not be avoided by reason of the irregularity or want of such election: *And provided also*, That in case of vacancy from the death or resignation of any director, his place may be filled by the board of directors.

Proviso.

Board of directors.

Sec. 4. The affairs of the said corporation shall be managed by a board of seven directors, who shall be chosen annually by ballot, on the days hereinbefore prescribed, by the stockholders of the said company, the votes to be delivered in person or by proxy duly authorized, which directors shall appoint one of their own number to be president, and shall respectively serve for one year, or until other directors are elected; they shall have power to make and establish such by-laws, rules, and regulations not inconsistent with the constitution and laws of the United States and of the state of Wisconsin, as may be necessary for the well ordering of the affairs of said company.

Elections.

Sec. 5. None but stockholders shall be elected directors; and at every election, and in all cases upon which stockholders shall be called upon to vote, each share of stock shall be entitled to one vote, and in all cases for elections of directors, the seven stockholders having the greatest number of votes shall be declared duly elected.

Powers of directors.

Sec. 6. The said directors shall meet at such times and places, and be convened in such manner as they may hereafter decide upon. A majority of the directors shall be a quorum for the transaction of business, who in the absence of the president shall appoint a president *pro tem*. The said directors shall appoint a secretary, treasurer, and such engineers and other officers as they may find necessary; they shall have power to fix the compensation of all officers, and may demand adequate security for the proper performance of their respective trusts; they shall decide the time and manner and proportions in which the said stockholders shall pay the money due on their respective shares, and forfeit to the use of the company the share or shares of every person or persons failing to pay any installment so required, at a reasonable period, not less than thirty days after the time by them appointed for the payment thereof; they shall have full power to regulate and to make such covenants, contracts, and agreements with

any person, co-partnership, or body politic whatsoever, as the execution and management of the works and the convenience and interest of the company may require, and in general to superintend and direct all the operations, receipts, disbursements, and other proceedings of the company: *Provided*, That no installment called in at any time shall exceed ten dollars per share, and that no installment shall be called by the directors without at least *thirty* days' notice thereof in the newspapers hereinbefore mentioned. Proviso.

Sec. 7. The directors chosen as aforesaid, shall issue a certificate to each stockholder for the number of shares he or she may subscribe for or hold in said corporation, signed by the president, countersigned by the secretary, and sealed with the common seal, subject, however, to all payments due or to become due thereon, which stock shall be transferable in person or by attorney, executors, administrators, guardians, or trustees, under such regulations as may be provided for in the by-laws of the company. To issue certificates,

Sec. 8. At each annual meeting of the stockholders for the purpose of electing directors, the directors of the preceding year shall exhibit to them a complete statement of the affairs and proceedings of the company for such year; and special meetings of the stockholders may be called by order of the directors, or by stockholders holding one-fourth in amount of the capital stock on like notice as that required for annual meetings, specifying moreover the object of the meeting; but no business shall be transacted at such special meeting, unless a majority in value of the stockholders shall attend in person or by proxy. To exhibit statement.

Sec. 9. The said company shall have power to locate and construct a single or double track rail road from such eligible point in the city of Milwaukee, via Iron Ridge and Horicon, in the county of Dodge, to Fort Winnebago, in Columbia, or to such eligible point on the Fox River as shall be determined on by a vote of the stockholders holding a majority of the stock of said company, at a special meeting called for the purpose of fixing the location or termination of said road; and shall have power to transport, take, and carry property and persons upon the same by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them; and they shall have power to make, construct, and erect all such side tracks, turn-outs, and connecting tracks, and also all such warehouses, toll houses, machine shops, carriages, cars, and other works and appendages, as may be necessary for the convenience of the company for the use of the said rail Route of road.

road, and also to connect said rail road, and operate the same with other rail roads and branch rail roads in the state of Wisconsin.

How charter forfeited.

SEC. 10. If said corporation shall not within five years from the passage of this act commence the construction of said rail road, and within fifteen years from the passage of this act complete the same, then the rights, privileges, and powers of said corporation under this act shall be null and void.

May enter upon lands.

SEC. 11. It shall and may be lawful for the said company, their officers, engineers, and agents, to enter upon any land for the purpose of exploring, surveying, and locating the route of said rail road, doing thereto no unnecessary damage; and when the said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors, and servants, at any time, to enter upon, take possession of, and use such lands, not exceeding five rods in width, along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or shall be ascertained in the manner hereinafter directed and provided in such cases respectively; and said company are further authorized by their officers, engineers, and agents, to enter upon lands adjacent to the rail road beyond the limits of five rods in the manner provided in this act, when necessary for the purpose of erecting depot buildings, station houses, and necessary fixtures for the operation and business of said road, and for the purpose of making drains and giving a proper direction to water courses across or along said road, when the same are necessary beyond the limits of said road, and to remove all substances and things which might endanger, obstruct, or interfere with the free use of said road, and to deposit earth, and gravel taken from deep cuts, and to obtain earth, gravel, and other materials for embankments and structures necessary to the construction and repairs of said road, doing, however, no unnecessary damage, and all lands so acquired, and all damage which shall be done to any lands or property under the provisions of this section, shall be ascertained and paid for in the manner and agreeable to the provision hereinafter provided; and when such damage shall have been paid for, or tendered, the title to the land occupied by such building, fixtures, excavations and embankments, shall vest in fee simple to said company.

How damages settled.

SEC. 12. When the said corporation cannot agree with the owner or owners of such required land, for the purchase thereof, or as to the compensation to be paid to the

owner or owners of any lands taken for the purpose aforesaid, or when by reason of the legal incapacity, or absence of any such owner or owners, no such agreement or purchase can be made, then, and in any such case, it shall be lawful for the judge of the circuit court of the county in which such lands are situated, on application of either party, and at the cost and charge of such corporation to appoint three disinterested persons residing in said county, whose duty it shall be to view and examine, or survey said lands with the buildings and improvements, if any thereon, and to estimate the value of the land so taken or required by the said company, and all damages which the owner or owners thereof shall sustain or may have sustained by reason of the taking of the same for the construction and use of said railroad or works appertaining thereto, taking into consideration the advantages as well as disadvantages of the same to the said owner or owners; and the persons so appointed, before entering upon the discharge of such duties shall take an oath before some justice of the peace or other person competent to administer oaths, faithfully and according to the best of their abilities, to examine the land so taken or required by said company, and impartially to estimate and appraise the value of the same and the damage or injury which the owner or owners thereof shall have sustained, or may sustain by reason of the taking and using thereof by the said company, over and above the benefits and advantages which such owner or owners shall derive from the construction of such rail road; whereupon such commissioners shall proceed to examine the premises and estimate the value of such land, and the amount of damages, if any, over and above the benefits and advantages which may accrue to such owner or owners as aforesaid, and shall make a report of such valuation, in writing under their hands and seals, to said judge, and shall return the same within thirty days after their appointment, to the clerk of the circuit court of the county in which they reside, and it shall be the duty of the clerk to file the same; and in case no appeal shall be made within thirty days after the filing of said report as hereinafter provided, then the said clerk shall record the same at the expense of said company, and judgment of the said court shall be entered thereon, on motion of either party, at any term of said court: *Provided*, That either party may appeal to said court within thirty days after said report shall have been filed in the clerk's office, and such appeal shall be tried in the same manner as other issues are tried in said court, and the jury empan- Proviso.

nelled to try the same shall find the value of the land so taken or required by said company, and the damages which the owner or owners thereof shall have sustained or may sustain by the taking of the same, over and above the benefits which will accrue to such owner or owners from the construction of said rail road, and judgment of court shall be entered accordingly: *Provided also*, That it shall not be lawful for the said commissioners or said court to proceed in the assessment of damages, or in the valuation of any lands or materials as aforesaid, in the absence of the owner or owners thereof, his, her, or their agents or attorneys, unless it shall be shown to them by competent testimony that the said owner or owners have had at least five days' notice of the time and place at which such assessment or valuation was to be made, or that the said owner or owners are absent from the state of Wisconsin; and if the said owner or owners shall be minors, or *non compos mentis*, or absent from the state, the service of notice may be made on the guardian or trustee, if any there be, or in such manner as the court may direct: *Provided also*, That upon the making and filing of any report as aforesaid, and payment or legal tender of the amount of any valuation or appraisal specified therein to the owner or owners of any such lands, his, her, or their legal representatives, the said company, their agents, or the contractors for making or repairing said rail road, may immediately take and use the same without awaiting the issue of any appeal brought thereon.

When company entitled to easement of land.

Sec. 13. Whenever any judgment shall have been entered as hereinbefore provided, for the value of any lands, or for any damages for the taking and using of the same, and the amount specified in such judgment shall have been paid or tendered to the owner or owners of such lands, his, her, or their legal representatives, the said company shall be entitled to the easement of the same so long as it shall be used for the track of said rail road, or the necessary fixtures thereto; and if such valuation be not received when tendered, it may at any time thereafter be received, or may be collected from said company by action at law, at the cost and expense of the person or persons entitled to the same: *Provided*, That the cost of any proceedings and judgments specified in the last preceding section shall be taxed by the court and paid by said company, except in cases where upon appeal the verdict of the jury shall be for the same or a less sum than that reported by the said commissioners.

Proviso.

Sec. 14. The said rail road shall be so constructed as

not to impede or obstruct the free use and passage of any public road or roads which may cross the same, and in all places where such rail road may cross, or in any way interfere with any public road, it shall be the duty of said company to make or cause to be made a sufficient causeway or passage way to enable all persons traveling such public road to pass over or under such rail road without inconvenience: *Provided*, That in cases where said rail road may cross or come in contact with any public or private road so as to occupy any part of said road, it shall be lawful for said company to construct said rail road across or upon such road, after altering and putting the same in as good condition as before, and for that purpose the said company shall previous to occupying any part of such road, construct a new road, in part or in whole, as may be necessary, on ground adjacent to such road, and in every respect complete such newly constructed road or part of a road so interfered with, in as good condition as the same was previous to the disturbance and occupancy thereof by said company.

May construct road on highway

Proviso.

SEC. 15. For the convenience of persons owning or possessing lands through which said rail road shall pass, it shall be the duty of said company whenever required, to make a good and sufficient passage way over or under said rail road, whenever the same may be necessary to enable the occupants of said lands to pass over or under the same with wagons, carts, and implements of husbandry as occasion may require: *Provided*, That said company shall in no case be required to make more than one such passage way to each farm; and when any public road shall cross such rail road in any farm, the person owning or possessing such farm shall not be entitled to require said company to make additional causeway.

To make passageway.

Proviso.

SEC. 16. On the completion of said rail road, or any section of the track, not less than five miles, it shall and may be lawful for the company to demand and receive such sum or sums of money for passage and freight of persons and property, as they shall from time to time think reasonable.

May receive toll.

SEC. 17. If any person shall willfully and knowingly break, injure, or destroy the rail road to be so constructed by said company, or any part thereof, or any work, building, or machinery attached to, or in use upon the same, belonging to said company, such person or persons so offending, shall each of them for every such offence, forfeit and pay a sum not exceeding three times the amount of damages caused by such offence, which may be recovered in the

Penalty for damage to road.

name of the said company, by action of debt, in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be subject to indictment, and upon conviction of such offence, shall be punished by fine and imprisonment, or either, at the discretion of the court.

Property liable for debts.

SEC. 18. The property of every individual invested in said corporation shall be liable to be taken in execution for the payment of his or her debts in such manner as is or may be provided by law: *Provided*, That all debts due said company shall be first paid.

Public act.

SEC. 19. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state of Wisconsin, shall be received as evidence thereof.

Penalty for injury to road.

SEC. 20. Any person who shall willfully and maliciously place any obstruction or thing upon the track of said road, or shall remove or damage any part thereof, in such manner that the engines or cars may be impeded or thrown off the track, shall be deemed guilty of a misdemeanor whether such accident shall take place or not, and shall be punished for every such offence by imprisonment in the state prison, for a term of not less than one nor more than five years, at the discretion of the court, and in case any damage shall result from the placing such obstruction, or injury to said road, said party shall be liable to pay all such damage to said company, and to any other person damaged thereby, and in case any accident shall happen in consequence of placing such obstruction, or in consequence of breaking or injuring said road, whereby death may be produced, the party so offending shall be adjudged guilty of murder in the first degree, and shall be punished agreeable to the law in such cases made and provided.

May borrow money.

SEC. 21. The said rail road company are hereby authorized and fully empowered in their corporate name and capacity to borrow any sum or sums of money from any person or persons, corporations, or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company, and any person or party of whom such money may be obtained, and make and execute in their corporate name all necessary writings, notes, bonds, or other papers, and make, execute, and deliver such securities in amount and kind, as may be deemed expedient by said corporation, any law on the subject of usury in this state or any other state where such transactions may be made to the contrary notwithstanding; and the powers of

aid corporation, for the purposes aforesaid, and for all urposes necessary to carrying out the object of said company, namely: the construction of a rail road from the city f Milwaukee to Fort Winnebago, or to some point on the 'ox River, are hereby ratified and confirmed, and the con-acts and official acts of said company, declared binding, l law and equity, upon said corporation, and upon all oth-r parties to such contracts.

May purchase lands.

Sec. 22. It shall be lawful for said company to pur-ase lands adjoining or adjacent to the rail road, for the urpose of procuring earth, gravel, stone, or other mate-als for embankments and structures necessary to the con-uction or repairs of said road, and whenever such lands all be no longer needed for the purposes aforesaid, the id company are hereby authorized to sell and convey the me.

May extend road

Sec. 23. The said company are hereby authorized and powered to extend, lay out and continue the rail road at y time within ten years from the passage of this act, m Fort Winnebago, in the county of Columbia, or from ch eligible point on the Fox River as the company may ect as the western terminus of the road, to such eligi-e point on the Mississippi River as the company may se-t; and whenever the said company shall decide to tend said road as aforesaid, they may increase the pital stock to two millions of dollars, which shall be sub-ibed in shares of like amount as the original stock, and that purpose may open anew their books for the sub-iption of such additional stock, and may appoint such nts to attend to the same as may be necessary for car-ng out fully the provisions of this act.

Further powers.

Sec. 24. The said company shall enjoy all the powers locating, continuing and constructing said rail road, ldings, and fixtures from Fort Winnebago or the Fox er, as is provided for upon that portion of the road n Milwaukee to Fort Winnebago on the Fox River, all powers, regulations, and restrictions, and all au-ity granted to, and liabilities of said company, shall in any manner be abridged, extended, or altered by increase of capital stock and extension of the road aforesaid, except such alterations, extension, and in-se as is duly authorized.

Condition of charter.

Sec. 25. In case of a violation by the company of any he provisions of this act, the legislature of the state of consin may resume all and singular the rights and privs hereby granted to said company.

SEC. 26. This act shall be in force from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

[*Published July* 20, 1852.]

Chap 451

An Act Act to appropriate to A. F. Spofford the sum of money therein named.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to A. F. Spofford, out of any money in the treasury not otherwise appropriated, the sum of thirty dollars, in full for chair cushions furnished for the capitol, up to February second, 1852.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

Chap 452

An Act to appropriate to William H. Howard the sum therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to William H. Howard the sum of eighty dollars, to be paid out of any money in the treasury not otherwise appropriated, in full for services and expenses by him incurred in executing the requisition issued by the governor of this state, on the governor of Indiana, for the arrest and delivery of Leander Randall, a fugitive from justice.

SEC. 2. This act shall [be] in force from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

An Act to appropriate to C. R. Alton the sum of money therein named.

Chap 453

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to C. R. Alton, the sum of twenty-five dollars, in full for ten days' attendance as a witness before the select committee on the Fox and Wisconsin river improvement, at two dollars and fifty cents per day, out of any money in the state treasury not otherwise appropriated.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

An Act to appropriate to Carpenter & Tenney the sum therein named.

Chap 454

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Section 1. There is hereby appropriated to Carpenter & Tenney, out of any money in the treasury not otherwise appropriated, the sum of seventy-three dollars, in full for six thousand copies of the Wisconsin Argus ordered by the Senate, containing the reports of the board of public works, and the committee on mining and smelting, for publishing notice of judicial election in the second circuit, and for publishing notice of location of states prison.

J. McM. SHAFTER.
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

An Act to appropriate to James B. Estis the sum therein named.

Chap 455

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. That there is hereby appropriated to James Estis, the sum of twenty-five dollars, in full for ten days' attendance as a witness before the select committee on the Fox and Wisconsin river improvement, to be

paid out of any money in the state treasury not otherwise appropriated.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

Chap 456 An Act to appropriate to Levi Blossom the sum of money therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to Levi Blossom the sum of twenty-five dollars, to be paid out of any money in the state treasury not otherwise appropriated, in full for ten days' attendance as a witness before the select committee on the Fox and Wisconsin [river] improvement.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved April 17, 1852.
LEONARD J. FARWELL.

Chap 457 An Act to appropriate to John McEwen the sum therein named.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to John McEwen, out of any money in the treasury not otherwise appropriated, the sum of thirty-eight dollars and thirteen cents, in full for camphene and glass globes, as per bill rendered April 2d, A. D. 1852.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved April 17, 1852.
LEONARD J. FARWELL.

An Act to appropriate to Lewis E. Peck the sum therein named.

Chap 458

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to Lewis E. Peck, the sum of thirty dollars, out of any money in the treasury not otherwise appropriated, in full for services as clerk to the committee on finance, and other committees of the Senate.

J. McM. SHAFTER.
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved April 17, 1852.
LEONARD J. FARWELL.

An Act to appropriate to William Pyncheon the sum therein named.

Chap 459

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to William Pyncheon, out of any money in the treasury not otherwise appropriated, the sum of twenty-seven dollars and ninety-five cents, in full for water furnished the capitol during the present session of the legislature.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

An Act to appropriate to Andrew Proudfit the sum therein named.

Chap 460

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to Andrew Proudfit, the sum of sixty dollars, ($60,00,) in full for seventy-four days' writing in the months of January and February, A. D. 1852, recording Fox and Wisconsin river land patents, by order of the late secretary of state, to be

paid out of any money in the state treasury not otherwise appropriated.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved April 17, 1852.
LEONARD J. FARWELL.

Chap 461 An Act to appropriate to John Taylor the sum therein named.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to John Taylor, out of any money in the state treasury not otherwise appropriated, the sum of one hundred and ninety-five dollars and sixty cents, in full payment for time and expenses in visiting eastern state prisons and procuring plans thereof, for the use of state prison commissioners of this state.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

Chap 462 An Act to provide for the taxation of all property in this State.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

Act repealed. SECTION 1. Chapter 267 of the statutes of the state of Wisconsin in the year 1850, entitled, "An act to amend the existing laws relating to the assessment and taxation of personal property," is hereby repealed.

Acts revived. SEC. 2. All acts and parts of acts altering, amending, or repealing in any manner, chapter fifteen, title five, of the revised statutes of the state of Wisconsin, entitled, "Of the assessment and collection of taxes," or of any part thereof, are hereby repealed, and all those provisions of said chapter fifteen, title five, of said revised statutes, heretofore altered, amended, or repealed by any act or acts, are hereby revived and declared to be in force.

Amount of tax ascertained, SEC. 3. The assessor in each town or ward shall proceed, at the time prescribed in section sixteen of said chapter fifteen, title five, of the revised statutes, to the

proper offices, to ascertain the amount of such taxable personal property held by persons residing in his town or ward, as has been recorded in said offices.

SEC. 4. This act shall take effect from and after its publication.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved, April 19, 1852.
LEONARD J. FARWELL.

[*Published April* 20, 1852.]

An Act to provide for levying a State Tax.

Chap 463

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be levied and collected for the year 1852, in addition to the one-fifth of one mill on the dollar valuation, by law to be collected for the purpose of paying the interest on the fifty thousand dollar state loan, a state tax of three mills and three-tenths of one mill on the dollar valuation; such entire state tax of three and one-half mills on the dollar valuation, to be levied, collected, and paid into the state treasury as is provided by the revised statutes of this state. Tax levied.

SEC. 2. The supervisors of the respective counties are hereby required to levy the foregoing tax upon the taxable property in their several counties according to the laws of the state for the assessment and collection of taxes. How levied.

SEC. 3. The secretary of state is hereby required, immediately after the passage of this act, to cause the same to be published by the state printer in a newspaper printed at the seat of government, and transmit to each clerk of the board of supervisors of the several counties of this state, a copy of the newspaper containing this act. Act to be sent to clerks of supervisors.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved, April 19, 1852.
LEONARD J. FARWELL.

[*Published April* 20, 1852]

Chap 464 An Act requiring the Board of Public Works to proceed in the improvement of the Wisconsin River, and to authorize the selling or leasing the hydraulic power at the Lift Lock on the Portage Canal.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

To complete improvement.

SECTION 1. The commissioners of the board of public works are hereby authorized and required to commence the work of improvement of the navigation of the Wisconsin river below the Portage, the present season, and to complete the same as soon as practicable, according to the plans of the chief engineer in his report for the year 1849; and, pursuant to law, to let contracts for such works of improvement.

Fund set apart.

SEC. 2. The one-sixth of the proceeds of the sales of the lands granted by congress for the improvement of the Fox and Wisconsin rivers, and connecting the same by a canal, is hereby set apart for the payment of the expenses of such necessary improvement of the navigation of the Wisconsin river, and no other application of any part of said one-sixth of the proceeds of the sales of said lands shall be made until the completion of the improvement of the navigation of said Wisconsin river, according to the provisions of the first section of this act, and all acts and parts of acts contravening the provisions of this section are hereby repealed.

May lease water power.

SEC. 3. The board of public works are hereby authorized and empowered to lease such portions of the hydraulic power at the Lift Rock on the Portage canal, at Fort Winnebago, on such terms as they may deem most for the interest of the state, but which shall not in any wise injure the navigation of said canal.

How money expended.

SEC. 4. The moneys derivable from the rents accruing under the lease of such hydraulic power may be expended in the improvement and completion of said canal.

SEC. 5. This act to be in force from and after its publication.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved, April 19, 1852.
LEONARD J. FARWELL.

[*Published, April* 21, 1852.]

Act to appropriate a certain sum of money to Leonard J. Farwell, for the use of William H. Wallis. Chap 465

The people of the State of Wisconsin represented in ate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to Leonard J. rwell, Governor of the state of Wisconsin, out of any mon- in the state treasury not otherwise appropriated, the sum one hundred and ninety-four dollars, for the use and nefit of William H. Wallis, (a minor) to be laid out l expended by the said governor for the use and benefit said William H. Wallis, and to be in full pay for en- ing done by the said Wallis during the present session the legislature *Provided*, That so much of the amount ein appropriated shall be paid to Mr. Fryer as the said er has paid to William H. Wallis for services rendered this legislature.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

pproved, April 19, 1852.
LEONARD J. FARWELL.

An Act to appropriate to Beriah Brown a certain sum of money. Chap 466

he people of the State of Wisconsin represented in te and Assembly, do enact as follows:

CTION 1. There is hereby appropriated to Beriah n, out of any money in the treasury not otherwise ap- riated the sum of two thousand four hundred and dollars and twenty-five cents, in full, being the nt due for incidental printing of the two houses of the ature for the year 1852, and for newspapers furnished e members of both houses up to the close of the pres- ession.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

proved, April 19, 1852.
LEONARD J. FARWELL.

Chap 467 An Act to appropriate money to defray the expenses of the State Prison, for the year A. D. 1852.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Money appropriated.

SECTION 1. There is hereby appropriated to the the governor of this state, out of any money in the treasury not otherwise appropriated, the sum of four thousand dollars, for the purpose of defraying the current expenses of the state prison for the year eighteen hundred and fifty-two.

SEC. 2. No money shall be drawn from the treasury for said purposes except on the warrant of the governor, nor until a detailed account specifying each item of expense shall have been first made out, verified by oath, and audited and certified as correct agreeably to law, and filed in the executive office.

How drawn.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved April 19, 1852.
LEONARD J. FARWELL.

Chap 468 An Act to appropriate to Leonard J Farwell, Governor, the sum of money therein named.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Leonard J. Farwell, Governor, out of any money in the treasury not otherwise appropriated, the sum of one hundred dollars.

SEC. 2. The governor is hereby authorized and required to pay to A. V. Fryer, out of the money appropriated in section one of this act, so much of said appropriation as may be found to de due to said Fryer for copying the reports of committees on claims, as ordered by the legislature of last session, and the remainder to be paid to said Fryer from time to time as he may progress with the work of transcribing said reports as ordered by said legislature.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved, April 19, 1852.
LEONARD J. FARWELL.

An Act to appropriate to Alfred Main the sum therein named. **Chap 469**

Section 1. There is hereby appropriated to Alfred Main, out of any money in the treasury not otherwise appropriated, the sum of ten dollars in full for ice furnished the supreme court at the June term of 1851, thirty-nine days, by order of the court.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 19, 1852.
LEONARD J. FARWELL.

An Act to appropriate to A. T. Gray the sum therein named. **Chap 470**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to A. T. Gray out of any money in the treasury not otherwise appropriated, the sum of seventeen dollars and fifty cents, in full for the amount of money paid by said A. T. Gray for clerk hire, over and above the contingent fund of one hundred dollars appropriated by the legislature of 1851.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 19, 1852.
LEONARD J. FARWELL.

An Act appropriating to A. T. Gray the sum therein named. **Chap 471**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated to A. T. Gray, chief clerk of the assembly, the sum of eighty-one dollars, out of any money in the state treasury not otherwise appropriated, for contingent clerk hire in full for the present session of the legislature.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 19, 1852.
LEONARD J. FARWELL.

Chap 472 An Act to appropriate to Patrick Hynes the sum therein named.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Patrick Hynes, out of any money in the treasury not otherwise appropriated, the sum of six dollars, in full for labor cleaning cellar of the capitol, and cutting and piling wood.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, April 19, 1852.
LEONARD J. FARWELL.

Chap 473 An Act to appropriate to E Root a certain sum of money.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. There is hereby appropriated to E. Root, out of any money in the treasury not otherwise appropriated, the sum of four hundred dollars in full for contingent expenses incurred in performing the duties of the office of state superintendent for the year 1851.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved, April 19, 1852.
LEONARD J. FARWELL.

An Act to appropriate money to pay the present indebtedness of the State Prison

Chap 474 *The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to the governor of this state the sum of seven thousand and seventeen dollars, to pay the expenses of the state prison up to the 26th day of December, 1851, out of any money in the treasury not otherwise appropriated.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

An Act to pay John Taylor the sum of money therein named.

Chap 475

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to John Taylor, late warden of the state prison, out of any money in the treasury not otherwise appropriated the sum of two thousand and eight hundred and twelve dollars to be paid by him to the several persons holding unsettled accounts against the state prison, dated subsequent to the 26th day of December, A. D. 1851, the same being contracts made by said John Taylor as warden of the state prison, and to present vouchers for all moneys paid by him, and settle the same with the state treasurer. Money appropriated.

SEC. 2. It shall be the duty of the state treasurer, before paying out any money under the provisions of this act, to take from the said John Taylor a bond with two or more sufficient securities, to be approved by said treasurer in the penal sum of five thousand dollars, conditioned that he will pay out and apply the money hereby appropriated and return the balance, if any shall remain, and vouchers for such as shall be paid out to the said treasurer agreeably to the provisions of this act. To give bond.

SEC. 3. The further sum of three hundred and sixty-five dollars is hereby appropriated to said John Taylor, warden as aforesaid, to be by him applied to the payment for provisions, &c., contracted for by him, for the sustenance of the state prisoners, and delivered at said prison since the first day of January aforesaid; which amount shall be by him paid out for that purpose, and he shall take vouchers therefor, and shall settle the same with the state treasurer, and shall pay any balance that may remain in his hands, into the state treasury, within one month after he shall receive the amount last above specified. Further appropriation.

SEC. 4. This act shall take effect and be in force from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.

E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, April 19, 1852.

LEONARD J. FARWELL.

[*Published June* 22, 1852.]

Chap 476 An Act to authorize William Hood and Peter Burns to keep and maintain a ferry across the Mississippi River.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

May keep ferry. SECTION 1. That William Hood and Peter Burns, their heirs and assigns shall have the exclusive right to keep and maintain a ferry across the Mississippi river, from the public landing in the upper part of the village of LaCrosse, in this state, for the period of ten years.

SEC. 2. Such ferry shall be subject to such regulations as other ferries according to law, fixing the rates of tolls in the manner in which licensed ferries shall be kept and attended, and no ferry shall be licensed within a half mile below or two miles above the point where said ferry shall be established.

How regulated.

Rates of ferriage SEC. 3. The said William Hood and Peter Burns shall be entitled for crossing any vehicle drawn by two or more horses or oxen, seventy-five cents; for any vehicle drawn by one horse, fifty cents; for a single horse, twenty five cents; for each head of cattle or mules, fifteen cents; for each head of hogs or sheep, five cents.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, April 19, 1852.
LEONARD J. FARWELL.

[*Published June 9, 1852.*]

Chap 477 An Act providing more fully for the organization of the State Prison and for repealing chapter 287 of Session Laws of 1851.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

General penitentiary. SECTION 1. The state prison at Waupun, in the county of Dodge, shall be the general penitentiary and prison of the state of Wisconsin, for the reformation as well as for the punishment of offenders, in which shall be securely confined, employed in hard labor, and governed in the manner hereinafter directed; all offenders who have been committed and sentenced according to law, to the punishment of solitary imprisonment, or imprisonment and confinement therein at hard labor.

Organization of prison. SEC. 2. The organization of the state prison shall consist of one commissioner, who shall be appointed as provided for in an act approved April 1st, 1852, who shall be

warden and treasurer, and said commissioner shall appoint one person to perform the duties of deputy warden and clerk; he shall also appoint a chaplain and superintendent of stone department, who shall be overseer, one gate keeper and four guards, all of which officers appointed by the commissioner, shall hold their offices during the pleasure of said commissioner.

Commissioner to make rules.

Sec. 3. The commissioner shall make such rules and regulations not inconsistent with the laws of this state, for the government of the officers and convicts of the prison as he may deem proper, subject to the approval of the governor.

Warden to reside in precincts of prison.

Sec. 4. The warden shall reside constantly within the precincts of the prison, and neither the warden, the deputy warden and clerk, gate keeper, or guards shall, during the time of holding his office, be employed in any business for private emolument, nor in any business which does not pertain to the duties of his office.

Commissioner.

Sec. 5. The officers of the prison shall receive the following salaries, to wit; the commissioner the sum of two dollars and fifty cents per day when actually employed in the duties pertaining to his office, and six cents per mile for each mile actually traveled in the discharge of duties; the clerk and deputy warden shall receive two dollars per day; the chaplain shall receive one hundred dollars per year; the superintendent of stone department and keeper shall receive six hundred and fifty dollars per year; the gate keeper shall receive three hundred and sixty-five dollars per year; and the guards shall receive three hundred and sixty-five dollars per year; all of which payments shall be paid in quarterly payments by the warden, out of the treasury of the prison, and shall be in full for all services, and no other perquisites, rewards, or emoluments shall be allowed to or received by any of them, except that the warden shall be allowed the necessary fuel for his family use.

Report.

Sec. 6. The commissioner shall, on the 31st day of December in each year, make an annual detailed report to the governor, verified on oath, which shall contain a full and accurate statement of all the concerns of the prison for the year next preceding; also, a list of convicts discharged, pardoned, and died, and the estimate for appropriation for the next year, which report shall be laid before the legislature by the governor.

Powers of warden.

Sec. 7. The warden shall have the charge and custody of the prison, with the lands, building, furniture, tools, implements, stock, and provisions, and every other species of

property pertaining thereto, or within the precincts thereof, and shall superintend the police of the prison and discipline of convicts, he shall be treasurer of the prison, and shall receive and pay out all moneys granted by the legislature for the support thereof.

Duties of deputy

Sec. 8. The deputy warden and clerk shall keep, in suitable books, regular and complete accounts of all the expenses, income, business, and concerns of the establishment, also, a register of all convicts received, discharged, pardoned, or died, and such other matter as may be necessary in statistics of the kind; he shall at all suitable hours, permit the commissioner and all other authorized persons to examine all books in his office; it shall be his duty to perform the duties and have all the powers and shall be subject to all the obligations and liabilities of the warden, in case of the disability of that officer or vacancy in that office.

Sheriff to take convicts to prison.

Sec. 9. It shall be the duty of the sheriff or deputy sheriff of each county in this state to convey to the state prison all persons convicted in his county and sentenced to be confined in said prison as soon as may be after such conviction shall have been had, and after delivering such convict or convicts to the warden, together with a copy of the sentence of the court ordering such imprisonment, the sheriff or deputy sheriff shall take an acknowledged receipt of such delivery, and file the same in the office of the clerk of the circuit court, where such conviction shall have been had, and the sheriff or deputy shall be entitled for his services so rendered, the following fees, which shall be in full, viz: for conveying, guarding, boarding, and lodging one prisoner, fifty cents per mile; and for each additional prisoner, twenty-five cents per mile.

Divine services.

Sec. 10. The chaplain shall hold divine service in the chapel of the prison at least once on each Sabbath, instruct the convicts in their moral and religious duties and visit the sick on suitable occasions.

Female convicts

Sec. 11. When one or more female convicts shall be confined in said prison, the commissioner may appoint a matron as keeper for said females, and the matron may take charge of the duties of the cook. The female convicts shall labor in the cooking and washing department or otherwise, as the commissioner may direct.

When physician to be employed.

Sec. 12. Whenever any convict shall complain of any such illness as requires medicinal aid, the warden shall employ some physician who shall visit such convict, and if in the opinion of such physician the illness is such as to require his removal to the hospital, the warden may order

such removal, and the convict shall remain in the hospital until the physician shall determine that he may leave it without injury to his health.

Warden to give bond.

Sec. 13. Before the warden enters upon the duties of his office, he shall give a bond to the state of Wisconsin, in the sum of twenty thousand dollars, with two or more sufficient sureties to be approved by the governor, conditioned that he will faithfully account for all moneys placed in his hands as treasurer, and perform all the duties incumbent on him, as warden of the said prison, and such bond, with the approval of the sureties endorsed thereon, shall be filed in the office of the secretary of state.

Deputy to give bond.

Sec. 14. Before the deputy warden and clerk enters upon the duties of his office, he shall give bonds to the state of Wisconsin in the sum of ten thousand dollars, with sufficient sureties, to be approved by the governor, conditioned that he will faithfully perform all the duties incumbent on him as deputy warden and clerk of the said prison, and such bond, when so approved, shall be filed in the office of secretary of state.

Contracts to be in writing.

Sec. 15. All contracts on account of the prison shall be made by the warden in writing, and when approved by the governor, shall be binding in law, and all purchases and bargains shall be on contract, except supplies for the hospital; and the warden or his successor may sue or be sued thereon, to final judgment and execution. No such suit shall abate by reason of the office of warden becoming vacant, but any successor of the warden, pending such suit may take upon himself the prosecution or defense thereof, and upon the motion of the adverse party, and notice, he shall be required so to do.

How controversies settled

Sec. 16. Whenever a controversy shall arise respecting any contract made by the warden on account of the prison- a suit shall be pending thereon, the warden may submit the same to the final determination of arbitrators or referees to be appointed by the governor.

How food, &c. provided.

Sec. 17. The pricipal articles purchased for the use of the prison, such as food, fuel, stone, iron, and steel, with the transportion and truckage, shall be contracted for by the year, when such contracts can be advantageously made; and the warden shall give previous notice in at least two newspapers, of the articles wanted, the quantity and quality thereof, the time and manner of delivery, and the period during which proposals will be received. Such notice shall be published at least three weeks in succession.

Proposals.

Sec. 18. All such proposals shall be in writing, and sealed up, and on the day appointed they shall be opened

by the warden, who shall cause all such offers to be entered in a book and compared. The person offering the best terms with satisfactory security for the performance, shall be entitled to the contract, unless it shall appear to the warden that none of the offers are as low as the fair market price; in that case no offer shall be accepted, and the warden may advertise again as before, and may proceed to make contracts for any of the articles wanted for said prison in the best way he can for the interest of the state, without further notice.

To give bond.

Sec. 19. Every such contractor shall give bonds to the commissioner in a reasonable sum, with satisfactory security, for the faithful performance of his contract. No officer of the prison shall be concerned or interested, directly or indirectly, in any contract, purchase or sale made on account of the prison.

Bills of purchase

Sec. 20. The warden shall take bills of the quantity and price of the supplies furnished for the prison, at the time of delivery: and the clerk or such officer as the clerk shall direct, shall compare the bill with the articles delivered; if the same are found correct, he shall enter them, with date of delivery, on a book to be kept for that purpose. In like manner bills shall be taken and entered of all services rendered for the prison. If any bill for supplies or services shall be discovered to be incorrect, the clerk shall immediately give notice to the person who furnished the supplies or rendered the services, that the error may be corrected.

Process how served.

Sec. 21. All process to be served within the precincts of the prison shall be directed to and served and returned by the warden or deputy warden. All convicts in the prison shall be in the charge and custody of the warden, who shall govern and employ them in the manner prescribed by law, the rules and regulations of the prison, and in conformity to the respective sentences under which they shall be committed.

Duties of officers

Sec. 22. The superintendent of the stone department, gate keeper, cook, and guards shall perform such duties in the charge and oversight of the prison, the care of the property thereunto belonging, and the custody, government, employment and discipline of the convicts as shall be required of them by the warden, in conformity to law and the rules and regulations of the prison.

U S prisoners.

Sec. 23. The warden shall receive into the state prison all persons convicted before any court of the United States held within the state of Wisconsin, and sentenced by such court to the punishment of imprisonment at hard labor in

the said prison, and he shall safely keep and employ such convicts pursuant to their sentence, and the rules and regulations of the prison, until such sentence shall be performed or the said convicts shall be otherwise discharged by due course of the law of the United States.

Sec. 24. Whenever any convict, sentenced by any court of this state or the United States to be punished by imprisonment in the state prison, shall, at the time of conviction and sentence, hold any office under the constitution and laws of this state, such office shall be deemed vacated from the time of his commitment to said prison, but if the judgment against such convict shall be reversed on writ of error, he shall be restored to his office, with all its rights and emoluments; but if pardoned, he shall not, by reason thereof be restored, unless it shall be so expressly ordered by the terms of the pardon. Office of convict vacated.

Sec. 25. Every convict against whom the punishment of solitary imprisonment shall be awarded by sentence of court, or for the violation of any of the rules and regulations of the prison, shall be confined in one of the solitary cells, and during such confinement he shall be fed on bread and water only, unless, physician of the prison shall certify to the warden that the health of such convict requires other diet. Food during solitary confinement.

Sec. 26. All convicts sentenced to the punishment of hard labor in the said prison, shall be constantly employed for the benefit of the state; no communication shall be allowed between them and any person without the prison; they shall be confined in separate cells in the night time, and in the day time all intercourse between them shall as far as is practicable be prevented. How convicts employed

Sec. 27. If any convict committed to the state prison under sentence for a limited time, shall escape therefrom or shall attempt by violence to escape or shall assault the warden or commissioner or other officer or person employed in the government or custody of said prison, he shall be punished by imprisonment in the said prison not more than ten years in addition to his former sentence, and also by solitary imprisonment not more than one year, to be executed forthwith, or at such time or times either before or after the expiration of any former sentence, as the circuit court of Dodge county shall direct. Penalty for escape by violence

Sec. 28. If any convict in the state prison under sentence of imprisonment for life, shall escape therefrom, or shall attempt by violence to escape, or shall commit any such assault as is mentioned in the preceding section, he shall be punished by solitary imprisonment not more than Penalty for escape.

one year, to be executed at such time or times as the circuit court shall direct.

Permitting convict to escape.

Sec. 29. If any officer or other person employed in the state prison shall voluntarily suffer any convict confined therein to escape, or shall in any way consent to such escape, he shall be punished by imprisonment in the state prison not more than twenty years.

Permitting convict to be at large.

Sec. 30. If any officer or person employed in the state prison shall suffer any convict under sentence of solitary confinement to be at large or out of the cell assigned to him, or shall suffer any convict confined in said prison to be at large or out of the prison, or to be visited, conversed with, or in any manner relieved or comforted, contrary to the regulations of the prison, he shall be punished by fine not exceeding five hundred dollars.

Aiding prisoners to escape.

Sec. 31. Every person who shall convey into the state prison any disguise, instrument, tool, weapon, or thing, adapted or useful to aid any convict in making his escape therefrom, with intent to facilitate the escape of any convict there lawfully committed or detained, or who shall by any means aid any convict in his endeavor to escape, whether such escape be effected or not, and every person who shall forcibly or fraudulently rescue or attempt to rescue any convict held in custody by any officer or other person, under sentence of imprisonment in the state prison, or shall refuse to assist in securing any convict when attempting to escape from an officer or from prison, shall be punished by imprisonment in the said prison not more than ten years, or by fine not exceeding five hundred dollars.

Carrying articles to prison

Sec. 32. If any officer or other person shall deliver or procure to be delivered, or shall have in his or her possession with intent to deliver to any convict confined in the state prison, or shall deposit or conceal in or about said prison or the dependencies thereof, or in any carriage or other vehicle going into the premises belonging to said prison, any article or thing whatever, with intent that any convict confined in said prison should obtain or receive the same; or if any officer or other person shall receive from any convict any article or thing whatever with intent to convey the same out of said prison contrary to the rules and regulations of said prison, and without the knowledge or permission of the warden or commissioner of the prison, every such person shall be punished by imprisonment in the state prison or in the county jail not more than two years, or by fine not exceeding five hundred dollars.

Jurisdiction of Dodge county

Sec. 33. The circuit court of Dodge county shall have urisdiction of all crimes and offences committed within he state prison and the precincts thereof, and for the purose of all judicial proceedings, the said prison and the recincts thereof shall be deemed in law to be within and part of the county of Dodge.

Food

Sec. 34. The daily sustenance of convicts not in solitar confinement nor in the hospital, shall consist of healthy oarse food, with such proportion of meat and vegetables the commissioner shall deem best for the health of the nvicts and interest of the state.

Tobacco &c, not allowed

Sec. 35. No tea, sugar, coffee, tobacco, snuff, spirituous liquors, or any article of indulgence, shall be allowed y convict, except by order of the physician of the pris, which order shall be in writing, and for a definite peri- not exceeding one month.

Clothing

Sec. 36. The clothing and bedding of convicts shall be such quality and quantity as the judgment of the comissioner may direct, consulting the health of the convict l the interest of the state.

Warden may enforce order

Sec. 37. All necessary means shall be used under the ection of the warden to maintain order in the prison, orce obedience, suppress insurrection, and effectually vent escapes, even at the hazard of life, for which pure he may at all times require the aid of all the officers he institution.

Governor to visit prison

Sec. 38. The governor shall visit the state prison once east in each year, and make such suggestions in regard ie management, government, and discipline of the inition as he may deem for the interest of the same.

Commissioner may erect buildings

Sec. 39. The commissioner with the consent of the ernor may from time to time erect such buildings, e such alterations in those now erected as they shall k necessary for the convenience of the officers required w to reside within the precincts of said prison, and pply each convict with a separate cell.

To build wing

Sec. 40. The commissioner shall proceed to the erec- of one wing of the permanent prison as rapidly as be, with the labor of the convicts and those overseehem; the plan of said prison to be chosen by the comoner and approved by the governor; said wing shall nstructed of stone.

How money to be drawn

Sec. 41. Whenever an appropriation of money is made e legislature for the support of the state prison, the nor shall draw a warrant in favor of the warden for

such portions thereof from time to time or for the whole amount at one time as he shall think proper.

Treatment of prisoners

Sec. 42. The warden and all the officers of the prison shall treat the convicts with kindness so long as they shall merit such treatment by their obedience, industry, and good conduct.

Separation of the sexes

Sec. 43. The warden shall prevent all communications between male and female convicts.

Escapes

Sec. 44. The commissioner may adopt such measures as he may deem proper to aid in detecting escaped convicts, but shall do them no physical injury.

Property of convict

Sec. 45. The money and effects, except the clothes in possession of each convict when committed to the state prison, shall be preserved by the warden, and restored to said convict when discharged or pardoned, unless otherwise ordered by the judge of the circuit court of Dodge county.

To what discharged prisoner entitled

Sec. 46. Every convict when discharged or pardoned shall be provided with a decent suit of clothes and a sum of money not to exceed five dollars.

Dead body

Sec. 47. It shall be the duty of the warden in case of the death of any convict, to cause the body to be decently buried, or deliver it to the representative of any medical college in this state, or the friends or relatives of such convict, if demanded by them.

Sabbath schools

Sec. 48. The warden may permit proper persons to organize a sabbath school in which the convicts may be instructed in their religious duties, under such rules and regulations as the commissioner may establish.

Governor may remove [commissioner

Sec. 49. The governor may remove the commissioner when he shall believe that the best interests of the state demand such removal.

Sec 50. The commissioner shall have power to do and perform any of the duties herein named.

Librarian

Sec. 51. The warden shall act as librarian, and shall report to the governor on the thirty first day of December in each year, the condition of the library and the number and title of all the books therein contained; such report to be communicated to the legislature at its next session.

Inventory of property

Sec. 52. The warden shall make an inventory of the property belonging to the prison, annually on the 31st day of December, and report the same to the governor as required in the preceding section.

Act repealed

Sec. 53. All of chapter 287 of session laws of 1851 is hereby repealed.

Sec. 54. This act shall take effect and be in force from and after its publication.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 19, 1852.
LEONARD J. FARWELL.
[*Published, May* 27, 1852.]

An Act to regulate the collection of tolls on plank and turnpike roads.

Chap 478

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. Every toll gatherer who at any gate of any plank or turnpike road company in this state, shall unreasonably hinder or delay any traveler after he shall have paid the tolls demanded, or shall demand and receive from any person more toll than by law he is authorized to collect, shall for each offence forfeit the sum of ten dollars. Toll gatherer liable to penalty

Sec. 2. Every plank and turnpike road company, now or hereafter to be formed or organized in this state, shall erect and maintain suitable mile posts on their respective roads, under the penalty of ten dollars for each month they shall refuse or neglect so to do; such posts to be erected on those roads on which toll gates have been already erected, within one year from the passage of this act, and as fast as any new toll gates shall be erected thereon; and on those roads on which no toll gates have been erected, as fast as toll gates shall be erected thereon. Mile stones.

Sec. 3. Every person traveling on any plank or turnpike road in this state, who shall untruly report or refuse to report, when requested so to do by any toll gatherer or other person employed on said road, the distance he shall have traveled or desires to travel on said road, or shall refuse or neglect to pay the legal tolls therefor, or shall run through or pass around any gate for the purpose of avoiding the payment of tolls, shall forfeit for each offence the sum of ten dollars. Penalty for making incorrect statement to toll gatherer.

Sec. 4. Whenever required by any person passing a gate on any plank or turnpike road, the toll gatherer at such gate shall give such person a receipt, specifying the amount of toll received, the kind of vehicle and number of animals, and the number of miles traveled or to be traveled on said road as represented to said toll gatherer by such person. Said receipt to be signed in duplicate by the Receipt for toll

toll gatherer and the person demanding the same. One of which duplicates the toll gatherer shall deliver to such person, retaining the other in his possession; and such receipts shall be conclusive evidence in any court of justice of the amount of tolls paid, and the number of miles represented to have been or intended to be traveled by such person; and any toll gatherer refusing to give such receipt or any party refusing to sign the same, after having demanded one, shall forfeit the sum of ten dollars.

How penalties recovered.

Sec. 5. The penalties incurred under this act may be sued for and recovered by action of debt, in the name and for the use of the town in which said gate is situated, or in case of a penalty for a failure to erect or maintain mile posts in the name and for the use of any town through or into which said road runs, with costs of suit, before any justice of the peace; and in every such action, the complainant or aggrieved party may be a witness in behalf of such town, but any such receipt as mentioned in section number four, where the complaint is for the collection of illegal toll, shall be conclusive evidence as stated in such section. The name of the complainant shall be entered on the docket of the justice, and in case the determination shall be in favor of the defendant, judgment shall be entered against the complainant for costs.

Execution may provide for imprisonment.

Sec. 6. Any execution to be issued on any judgment for any such penalty may authorize the imprisonment of the defendant so adjudged to have incurred such penalty in the common jail of the county for ten days.

Sec. 7. This act shall take effect from and after its publication.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 19, 1852.
LEONARD J. FARWELL.

[*Published June* 22, 1852.]

Chap 479

An Act to authorize the business of Banking.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Bank comptroller.

Section 1. For the purpose of carrying into effect the provisions of this act, the governor of this state is hereby authorized and required, so soon as this act shall be in force, to appoint, by and with the consent of the senate, a

bank comptroller, who shall hold his office until the first Monday in January, A. D. 1854, and until his successor is elected and qualified. At the general election to be held in this state on the Tuesday next succeeding the first Monday in November, A. D. 1853, and every two years thereafter there shall be elected by the people, a bank comptroller, whose term of office shall commence on the first Monday in January, A. D. 1854, and continue two years, and until his successor is elected and qualified; the canvass and return of the election of said bank comptroller shall be made in the same manner as the election of other state officers are canvassed and returned. The compensation of bank comptroller shall be, including office rent, clerk hire, stationery, fuel, and all other contingent expenses, two thousand dollars per annum, to be paid out of the state treasury in the same manner as other state officers are paid. The bank comptroller shall, before he enters upon the duties of his office, take and subscribe the oath required by the constitution, and give a bond to the state of Wisconsin in the sum of fifty thousand dollars, with not less than ten sureties, who shall be resident freeholders of this state; said bond to be conditioned, approved, and preserved in the executive office, in the same manner as is provided for the state treasurer's bond, in section twenty-seven, chapter nine, of the revised statutes. The bank comptroller shall keep his office at the seat of government of this state, and carry into effect the provisions of this act in the manner hereinafter specified: *Provided*, that the salary of the comptroller shall in no case exceed the amount paid into the state treasury under the provisions of this act.

Compensation.

Comptroller to give bond.

Proviso.

Sec. 2. The bank comptroller shall appoint a deputy, who in the absence of the comptroller from his office, or in case of a vacancy in said office, or in case of any disability of the comptroller to perform the duties of his office, may perform all the duties of the office of bank comptroller, until such disability be removed, or vacancy be filled by appointment as provided in the succeeding section, for whose acts said comptroller shall be liable on his official bond: *Provided*, That the said deputy be paid for his services out of the salary allowed the comptroller by the preceding section.

Deputy comptroller.

Proviso.

Sec. 3. In case the office of bank comptroller shall become vacant, or in case the comptroller from any cause shall be incapable of discharging the duties of said office, the governor of this state shall appoint a suitable person to perform the duties of bank comptroller, and the person

How vacancy filled.

so appointed shall be invested with all the powers and shall perform all the duties of such comptroller until such vacancy be filled or such disability be removed, and he shall give bonds in the same manner as is required of the comptroller in the first section of this act.

Comptroller to provide blank notes.

Sec. 4. The bank comptroller is hereby authorized and required to cause to be engraved and printed in the best manner to guard against counterfeiting, such quantity of circulating notes in the similitude of bank notes, in blank, of different denominations, not less than one dollar, at the expense, to be paid in advance, of any person or association of persons applying for the same, as he may from time to time deem necessary to carry into effect the provisions of this act. Such blank circulating notes shall be countersigned, numbered, and registered in proper books to be provided and kept for that purpose in his office, so that each denomination of such circulating notes shall bear the uniform signature of such bank comptroller or his deputy, and the plates, dies, and materials to be procured by the comptroller for the printing and making of the circulating notes provided for hereby, shall remain in his custody or under his direction.

When blank notes to be given out.

Sec. 5. Whenever any person or association of persons formed for the purpose of banking under the provisions of this act, shall duly assign and transfer in trust to the treasurer of this state, any portion of the public stocks issued or to be issued by the United States, or any state stocks on which full interest is annually paid, said stocks to be valued at a rate to be estimated and governed by the average rate at which said stocks have been sold in the city of New York, within the next six months preceding the time when such stocks may be left on deposit with the comptroller, such person or association of persons shall be entitled to receive from the bank comptroller an amount of such circulating notes of different denominations, registered and countersigned, equal to and not exceeding the amount of public stocks assigned and transferred as aforesaid; but such public stocks shall in all cases be or be made to be, equal to a stock producing six per cent. per annum, and it shall not be lawful for the bank comptroller to take such stocks at a rate above its par value, nor above its current market value in the city of New York, at the time of deposit by such person or association of persons: *Provided*, That if in the opinion of the bank comptroller and governor any stocks offered shall be deemed insecure, they shall not be received as such securities under the provisions of this act.

Proviso.

Sec. 6. Any person or association of persons formed

for the purpose of banking under the provisions of this act, may at his or their option assign and transfer in trust to the state treasurer of this state, bonds or obligations bearing a rate of interest not less than seven per cent. per annum, payable semi-annually, issued by any rail road company in this state incorporated by any act of the legislature of this state, or of the territory of Wisconsin, duly organized under such act of incorporation, the payment of which bonds or obligations shall be secured in the manner hereinafter provided by a mortgage or deed of trust of the whole or a portion of a rail road constructed by such rail road company in this state; which bonds or obligations shall be received by the said treasurer in lieu of the public stocks issued or to be issued by the United States, or by any state as hereinbefore provided in this act; and upon making such assignment and transfer, such person or association of persons shall be entitled to all the privileges, immunities, and benefits which by the provisions of this act he or they would be entitled to if the whole amount of securities so assigned and transferred were public stocks of the United States or of any state: *Provided*, That such bonds or obligations shall not be received or held as securities for more than one-half of the amount of bills or notes issued to such person or association: *And provided further*, That no rail road corporation shall ever engage in the business of banking under the provisions of this act.

Rail road bond securities.

Proviso.

Sec. 7. The mortgage or deed of trust executed to secure the payment of such bonds or obligations, shall be executed to a trustee or trustees, shall contain the usual and appropriate provisions for the security of the holders of such bonds or obligations, shall be the first lien on a portion of continuous rail road, of not less than forty miles, or on the whole of a rail road, of not less length than twenty miles in extent, and shall convey the same, together with its equipments, depots, fixtures, machinery, and the name and franchises appertaining thereto.

How mortgage executed.

Sec. 8. No such bonds or obligations shall be received until the governor, bank comptroller, and attorney general, or two of them, shall file with the treasurer of the state a certificate by them signed from actual view and inspection, that such requisite portion of road has been constructed in a substantial manner, with a solid road bed, and with a rail of T or H or other approved pattern and weight, of in no case less than fifty pounds to the yard, similar to other roads of the first class, and has been fully equipped and in actual operation, and has earned for the year next preceding a net revenue greater than the interest on the bonds

When bonds to be received.

or obligations secured thereon by such mortgage or deed of trust, nor until the attorney general shall file in like manner his certificate from actual examination, that such mortgage or deed of trust has been duly executed in the manner and with the provisions required by this act, and is the first lien on such portion of road, its equipments, depots, fixtures, machinery, income, and franchises; nor until the directors of such rail road company shall file in like manner a statement, under the oath of its president and secretary, setting forth the cost of such portion of road and the net revenues thereof for the year next preceding.

Rate at which bonds may be received.

Sec. 9. Such bonds or obligations shall not be received at a rate higher than eighty cents on every dollar of the current and actual value thereof, nor at a rate, estimating the whole number of continuous miles in such portion of road and the amount of bonds or obligations secured thereby, exceeding the one-half of the average cost and value of such road, nor at a rate, to be ascertained by such estimate, exceeding eight thousand dollars per mile for every mile thereof.

When bonds to be rejected.

Sec. 10. The bank comptroller, in conjunction with the governor, shall reject such bonds or obligations, the security of which shall be found upon examination to be doubtful or liable to be seriously impaired, and in case the current or actual value of said bonds or obligations shall have depreciated, after they shall have been received, the bank comptroller shall reduce the rate at which the same shall be continued to be held as securities, and require other bonds or obligations, or public stocks of the United States, or of any state, to be deposited to make good the deficit, in like manner as is provided for in this act, in case of the depreciation of the value of such bonds or public stocks.

How mortgage recorded.

Sec. 11. Every such mortgage or deed of trust by which such bonds or obligations shall be secured, shall be recorded in the office of the secretary of state, in a proper book kept for that purpose, whose certificate of such registering endorsed on such mortgage shall be evidence thereof; and the said mortgage or deed of trust so recorded shall have the same effect as if recorded in the several counties through which such road may be built.

List of circulating notes.

Sec. 12. A descriptive list of the circulating notes registered and countersigned by the bank comptroller or his deputy as provided in section four, of this act, shall be delivered to the state treasurer, who shall copy the same in the book hereinafter required to be kept by him for record

ing descriptive lists of securities deposited with him for safe keeping.

Sec. 13. Three descriptive lists of the securities transferred to the state treasurer in trust as aforesaid, shall be made and signed by the bank comptroller and persons making the transfer; one in a well bound book to be kept by the comptroller for that purpose; one in a like book to be kept by the treasurer, and one in a book to be kept by the association; and said securities shall then be delivered to the state treasurer for safe keeping, who shall receipt to comptroller for the same, and who shall be responsible for any loss or destruction thereof growing out of or resulting from negligence, or the want of reasonable precaution or care. The whole or any part of said securities may be re delivered to the comptroller for the purpose of being sold under the provisions of this act, or being used or disposed of under any order or decree of court, or of being returned to the owner in conformity with the provisions of this act, the comptroller in either case giving a receipt upon the book kept by the treasurer aforesaid, specifying therein the purpose for which such re-delivery was made, which receipt shall discharge the treasurer from all further responsibility for the securities so re-delivered to the comptroller. Lists of securities.

Sec. 14. The treasurer may give to any person or association of persons so transferring securities in pursuance of the provisions of this act, powers of attorney, to be countersigned by the bank comptroller, and recorded by him in a book to be procured and kept for that purpose, to receive interest or dividends thereon, which such association may receive and apply to their own use; but such power may be revoked upon such person or association of persons failing to redeem the circulating notes so issued, or when in the opinion of the bank comptroller the principal of such securities shall become insufficient security; and the bank comptroller upon application of the owners of such transferred securities in trust, may in his discretion, with the approval of the treasurer in writing, change or transfer the same for other securities of the kind before specified in this act, or may transfer the said securities, or any part thereof, upon receiving and cancelling an equal amount of such circulating notes delivered by him to such person or association of persons, in such manner that the circulating notes shall always be secured in full by securities as in this act provided. How interest or dividends on stock drawn.

Sec. 15. The bills or notes so to be countersigned and registered, and the payment of which shall be so secured How bills to be stamped.

by the transfer of public stocks, shall be stamped upon their face, "secured by the pledge of public stocks," and the bills or notes, the payment of which shall be secured by the transfer of public stocks and rail road bonds, shall be stamped upon their face, "secured by the pledge of public stock and rail road bonds," and the amount of capital stock of the bank shall be stamped on all such bills or notes.

Tax on banking associations.

SEC. 16. Every bank and banking association organized under the provisions of this act, shall pay to the state treasurer, on the first day of January and July of each year, a semi-annual tax of three-fourths of one per centum on the amount of capital stock of such bank or banking association; the first payment of such tax to be computed at the rate of one and a half per centum per annum, from the time of filing the certificate required in section nineteen, to the first day of January or July then next succeeding. If any bank or banking association as aforesaid, shall neglect or refuse to pay said tax for ten days after it shall become due, notice of non-payment shall be sent to such delinquent by the state treasurer; and if the payment be not made within twenty days thereafter, such delinquent bank or banking association, shall in addition to the tax aforesaid, forfeit and pay to the said treasurer for the use of the state one per centum on the amount of its capital stock. The above semi-annual tax and forfeiture shall always constitute a lien on the interest of the securities deposited with the treasurer as provided in section five, and in case of non-payment of such tax and forfeiture, or of either of them, the treasurer is authorized and required to revoke the power of attorney granted such delinquent, as provided in section fourteen, collect the interest of such securities and apply the same to the payment of said tax and forfeitures, or of either of them, and hold the balance if any, subject to the order of such delinquent. If the interest of said securities shall be insufficient to pay said tax and forfeitures, the treasurer, after deducting the amount of said interest, may collect the balance by action of debt in any court of competent jurisdiction, in the county where such delinquent is located, in the name and on the behalf of the state. Said capital stock shall be exempt from all other taxes except on that portion of said capital stock which shall consist of and include the real property of such bank or banking association; and the real property of all banks and banking associations shall be assessed and taxed in the city, ward, village, or town, where the same is located, for all state, county, town and corporation purposes, in the name of such

bank or banking association: *Provided*, That the owner or holder of shares of stock in any bank or banking association shall not be taxed as an individual for such shares of stock. Proviso.

Sec. 17. Before any person or banking association formed under this act shall receive from the comptroller any circulating notes as provided in sections five and six of this act, the directors or stockholders shall give to the comptroller good and sufficient bonds, to be approved by him, to the amount of one-fourth of the notes that the said association shall propose to receive as an additional security to indemnify the bill holders against any loss that may be sustained in case the securities deposited with the comptroller shall be insufficient to redeem said bills, and such person or association of persons are hereby authorized, after having executed and signed such circulating notes in the manner required by this act, to make them obligatory promissory notes, payable on demand at the place of business within this state, to loan and circulate the same as money, according to the ordinary course of banking houses. Directors to give bond.

Sec. 18. Any number of persons may associate to establish offices of discount, deposits, and circulation, and become incorporated upon the terms and conditions, and subject to the liabilities prescribed in this act; but the aggregate of the capital stock of any such association shall not be less than twenty-five thousand dollars, nor more than five hundred thousand dollars. Association for discount.

Sec. 19. Such persons, under their hands and seals shall make a certificate which shall specify, What certificate to specify.

1st. The name assumed to distinguish such association, and to be used in all its dealings, which name shall not be that of any other banking association in this state.

2d. The place where the business of discount and deposit of such association is to be carried on, designating the particular city, town, or village.

3d. The amount of capital stock of such association, and the number of shares into which the same shall be divided.

4th. The names and places of residence of the shareholders, and the number of shares held by each of them respectively.

5th. The period at which such association shall commence and terminate; which certificate shall be acknowledged and recorded in the office of the register of deeds of the county where any office of such association shall be established, and a copy thereof filed in the office of the

state treasurer, and of the comptroller; and upon the recording of which certificate, the person or association of persons aforesaid shall become a body politic and corporate by the name assumed as aforesaid, for and during the time fixed in the certificate, and by such name shall have power to contract and be contracted with, and shall have all other powers, privileges, and immunities incident to corporations, as provided in chapter 54, title 13, of the revised statutes of this state.

Copy of certificate to be evidence.

Sec. 20. A copy of the certificate required by the preceding section, duly certified by the register of deeds of the county, or comptroller, or either of those officers, may be used as evidence in all courts and places, for or against any such association, or any other person for or against whom any such evidence may be necessary on any civil or criminal trial.

Powers of association.

Sec. 21. Such association shall have power to carry on the business of banking, by discounting bills, notes, and other evidences of debt; by receiving deposits; by buying and selling gold and silver bullion, foreign coin, and foreign and inland bills of exchange; by loaning money on real and personal securities, and by exercising such incidental powers as may be necessary to carry on such business; may choose one of their number as president, and appoint a cashier and such other officers and agents as their business may require; but no association or banker shall commence the business of banking under this act, until such association or banker shall have deposited with the treasurer the securities required by law, to the amount of twenty-five thousand dollars, exclusive of the bonds of directors or stockholders.

Share deemed personal property.

Sec. 22. The shares of such association shall be deemed personal property, and shall be transferable on the books of the association in such manner as may be agreed on in the articles of association; and every person becoming a shareholder by such transfer, shall, in proportion to his shares, succeed to all the rights, and be subject to all the liabilities of prior shareholders. No change shall be made in the articles of association, by which the rights, remedies, or securities of its existing creditors shall be weakened or impaired; such association shall not be dissolved by the death or insanity of any one of the shareholders therein.

Proceedings in case notes not redeemed.

Sec. 23. In case the maker or makers of any circulating note or notes, countersigned and registered as aforesaid, shall at any time hereafter on lawful demand during the usual hours of business, between the hours of ten and

three o'clock, at the place where such note or notes is or are payable, fail or refuse to redeem such note or notes in the lawful money of the United States, the holder or holders of such note or notes, making such demand, may cause the same to be protested in one package, for non-payment, by a notary public under his official seal, unless the president, cashier, or teller shall offer to waive demand, and notice of the protest, and shall, in pursuance of such offer, make, sign, and deliver to the party making such demand, an admission in writing, stating the time of the demand, the amount demanded, and the fact of the non-payment thereof; and the bank comptroller on receiving and filing in his office, such admission or protest, together with such note or notes, shall forthwith give notice in writing to the maker or makers of such note or notes, to pay the same, and if they shall omit to do so for five days after such notice, the bank comptroller shall immediately thereupon (unless he shall be satisfied that there is a good and legal defense against the payment of such note or notes,) give notice that all the circulating notes issued by such person or association of persons will be redeemed out of the trust funds in his hands for that purpose, which notice shall be given by publishing the same in some newspaper printed in the county where the business of such association is established, or in case there is no newspaper printed in such county, such notice shall be published in some newspaper printed at the seat of government of this state, and the comptroller shall be required to apply the said trust funds belonging to the maker or makers of such protested note or notes to the payment *pro rata*, of all circulating notes whether protested or not, put in circulation by the maker or makers of such protested note or notes pursuant to the provisions of this act, and to adopt such measures for the payment of such notes, as will in his opinion most effectually prevent loss to the holders thereof.

Sec. 24. In case such person or association of persons shall fail or refuse to pay such bills or notes on demand in the manner specified in the preceding section of this act, the comptroller, after the expiration of the five days' notice mentioned in the preceding section, shall, after giving thirty days' notice by publication in some newspaper printed at the seat of government of this state, and in one daily paper published in the city of New York, proceed to sell at the Merchants' Exchange in the city of New York, at public auction, the securities so pledged, and out of the proceeds of sale shall pay and cancel all the bills or notes which have been issued and put in circulation by such as-

When securities to be sold.

sociation under the provisions of this act, to be applied *pro rata*, to the payment of all such circulating notes; but nothing in this act contained shall be considered as implying any pledge on the part of the state for the payment of said bills or notes, beyond the proper application of the securities pledged to the treasurer for their redemption.

Proceedings in case of depreciation of securities

Sec. 25. In case the current market value of any portion of the securities transferred by any banking association to the state treasurer in trust as provided in this act, shall at any time for the period of ninety days be less than the value at which they were deposited, the comptroller shall notify such bank of the depreciation in value of such securities, and such banks within thirty days after receiving such notice, shall cause securities of the kinds before specified, or an equal amount of their circulating notes, to be transferred to the treasurer of state, in trust, to an amount equal to the difference between the current market value at the time of notice, and the value at which the same were deposited; and if said banking association shall neglect or refuse to deposite securities or circulating notes to the amount of such difference, within the thirty days after the date of said notice, the said association shall be deemed to have forfeited their rights, powers, privileges, and immunities as banking associations under the provisions of this act, and it shall be the duty of the comptroller to make application to the circuit court of the county in which said association may be located, to have receivers appointed as provided by section nine, chapter fifty-four, title thirteen, revised statutes, who shall have the powers and perform the duties that are required by that section. But this section shall not be so construed as to require the surrender to such receiver of any securities deposited with the treasurer or comptroller, pursuant to this act, and the comptroller shall sell such securities for the payment of the bills or notes issued by the bank, as he is required to do in other cases.

Limit to amount of notes.

Sec. 26. It shall not be lawful for the comptroller or his deputy to countersign bills or notes for any association to an amount in the aggregate exceeding the securities at their value, as before provided in this act, deposited with the treasurer in trust, by such association; and any comptroller or deputy who shall violate the provisions of this section, shall upon conviction, be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than five thousand dollars, or be imprisoned not less than five

ears in the state prison, or by both such fine and imprisonment.

Sec. 27. It shall be lawful for any association of persons organized under the provisions of this act, by their articles of association to provide for an increase of their capital, and of the number of their association, from time to time as they may think proper; the aggregate capital not to exceed five hundred thousand dollars, as before provided. May increase capital.

Sec. 28. Contracts made by any such association and all notes and bills by them issued and put in circulation as money, shall be signed by the president or vice president and cashier thereof. How contracts &c. signed.

Sec. 29. It shall be lawful for such association to purchase, hold, and convey real estate for the following purposes: For what purposes may hold estate.

1st. Such as shall be necessary for its immediate accommodation in the convenient transaction of its business;

2d. Such as shall be mortgaged to it in good faith by way of security for loans made by, or money due to such association;

3d. Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealing;

4th. Such as it shall acquire by sale on execution or decree of any court in its favor. The said association shall not purchase, hold, or convey real estate in any other case or for any other purpose whatever; and all conveyances of such real estate shall be made to the corporation, and such real estate the president and cashier may sell, assign, grant, or convey, under the direction of the association, free from any claim thereon, in favor of or against the shareholders, or any person claiming under them.

Sec. 30. Such association shall be liable to pay the holder of every bill or note put in circulation as money, the payment of which shall have been demanded and protested, five per cent. damages for the non-payment thereof. Damages for non payment.

Sec. 31. The president and cashier of every association formed pursuant to the provisions of this act, shall, at all times, keep a true and correct list of the names of all the shareholders of such association, and shall file a copy of such list in the office of the register of deeds of the city where any office of such association may be located, and also in the office of the bank comptroller, on the first day in January and July in each year. List of shareholders.

Sec. 32. It shall not be lawful for any association

Where notes to be paid.

formed under the provisions of this act, to make any of its bills or notes, to be put in circulation as money, payable at any other place than at the office where the business of the association is carried on and conducted, and said bills or notes shall be made payable on demand, and without interest.

Proceedings when securities insufficient.

SEC. 33. Whenever the securities deposited for the redemption of circulating notes, shall, in the opinion of the comptroller, become insufficient for that purpose, he may receive the interest and dividends on all securities, and shall deposit the same with some safe banking association; the deposit to be made on such terms and at such rate of interest as the comptroller may deem most conducive to the interest of such association, and to be withdrawn and paid over whenever, in the opinion of the comptroller, the securities of such association shall be sufficient to warrant it.

Fees for protest.

SEC. 34. All fees for protesting the circulating notes issued by any banking association, shall be paid by the person procuring the services to be performed, for which said association shall be liable; but no part of the securities deposited by such association shall be applied to the payment of such fee.

How business relinquished.

SEC. 35. When the officers of any banking association, desirous of relinquishing the banking business, shall have redeemed at least ninety per cent. of their circulating notes, and shall have returned, cancelled, the said notes to the comptroller, and shall produce to the comptroller a certificate of deposit to his credit in such bank as he shall approve, to an equal amount with the circulating notes of such banking association unredeemed, it shall be lawful for him to receive the same, and to give up all the securities theretofore deposited by such banking association for the remption of circulating notes issued.

Notice of relinquishment.

SEC. 36. Such banking association, after having complied with the provisions of the last preceding section, shall give notice for two years, in some newspaper in the county where such bank shall have been located, that all the circulating notes issued by such banking association must be presented at the comptroller's office within two years from the date of such notice, or that the funds deposited for the redemption of the notes will be given up to the banking association; and on receiving satisfactory proof of the giving of such notice for the time aforesaid, the comptroller shall surrender to the order of such banking association, any securities which he may hold for the

ayment of any unredeemed notes of the said banking as-
ciation.

Sec. 37. Any banking association wishing to withdraw
ıy of the securities by them deposited with the comptrol-
r, may do so by depositing in lieu thereof, an equal amount of specie, or of the circulating notes which have en issued to said association by the comptroller, in sums not less than one thousand dollars. How securities withdrawn.

Sec. 38. The securities to be deposited with the treas-
er in trust by any association, shall be held by him ex-
sively for the redemption of the bills or notes of such ociation put in circulation as money, until the same are id and returned to the comptroller as provided in this ; but the treasurer may assign said securities to said ociation, transferring the same upon receiving therefor ıivalent securities, or upon being notified by the comp-
ller that such bank has deposited with him an equiva-
t amount in specie or circulating notes issued by such ık as provided in section thirty seven of this act. For what securities held,

Sec. 39. All the circulating notes of banks and bank-
associations returned to the comptroller, shall be de-
yed by him after he shall have made a record of the e; which record shall specify the number of each bill, date, and by whom it was countersigned, and shall be le in the books to be kept by him for registering circu-
ıg notes, as provided in section four of this act; and comptroller shall also furnish the state treasurer with py of the record required by this section, who shall re-
said copy in the book in which he is required to copy ıriptive securities and circulating notes, by sections ve and thirteen of this act. When notes to be destroyed.

c. 40. If any portion of the original capital of any ing association shall be withdrawn for any purpose ever, whilst any debts of the association shall remain tisfied, no dividends or profits in the shares of the al stock of the association shall thereafter be made the deficit of capital shall have been made good, ei-
by subscription of the shareholders, or out of the quent accruing profits of the association; and if it appear that any such dividends have been made, it be the duty of any judge of the circuit court of the y in which said association may be located, on appli-
of any person in interest, to make the necessary or-
ınd decrees for closing the affairs of the association, distribute its property and effects among its creditors hareholders. When dividend not to be made.

. 41. Every bank and banking association shall, on

Report. the first Monday of January and July in every year, after having commenced the business of banking as prescribed in this act, make and transmit to the comptroller a report, which said report shall be made on oath of the president and cashier, and shall contain a true statement of the following items, on the morning of the the said first Mondays of January and July, before any business of that day: loans and discounts; over drafts; due from banks; due from directors of said banks; due from brokers; real estate; cash items; stocks and promissory notes; bills of solvent banks; bills of suspended banks; loss and expense account; capital; circulation; amount due to state treasurer; amount due to depositors on demand; amount due not inculded under either of the above heads. And it shall be the duty of the comptroller to publish said report together, once in some newspaper printed at the seat of government, accompanied with a summary of items of capital, circulation, and deposit, specie, and cash items, public securities, and private securities; and the expense of such publication shall be defrayed by a per centage assessed upon the capital stock of all the banks and banking associations in this state; and if any bank shall fail to furnish to the comptroller its semi-annual report in time for such publication, or shall fail to pay the per centage assessed by the comptroller under this section, when the same shall be demanded by him, it shall forfeit and pay the comptroller the sum of one hundred dollars, to be applied by him to the payment of the expense of publishing the semi-annual reports; and the comptroller is authorized to collect the said forfeiture in his name, upon application to any court of competent jurisdiction in the county where such delinquent bank may be located. The bank comptroller shall also transmit annually, to the legislature, at the commencement of its session, a condensed summary of all the items reported to him by all the banks, which summary, verified by his oath, shall contain a true and correct statement of the condition of all the banks in the state at the time of the making of their last report. Every bank and banking association shall also file a copy of the report required by this section, in the office of the register of deeds of the county where such bank is located, on the first Monday of January and July in each year. It shall be the duty of the comptroller on the last days of January and July of each year, to publish in some paper of general circulation, printed at the seat of government, the number of banks in operation, and a descriptive list of the securities transferred to the treasurer in trust for each banking association respectively.

What report to contain.

To receive mutilated notes.

Sec. 42. It shall be the duty of the comptroller to receive mutilated circulating notes issued by him, and after making a record of them, their denomination, and amount, to deliver in lieu thereof other circulating notes to the same amount.

May demand interest on loans

Sec. 43. Such banks or banking associations may demand and receive for loans on real and personal securities, or for notes, bills, or other evidences of debt discounted, a rate of interest not exceeding ten per cent. per annum, until the first day of January, A. D. 1860, and not exceeding seven per cent, per annum thereafter. It shall be lawful to receive the interest in advance, according to the ordinary usage of banking institutions, and to charge for collecting foreign or inland bills, or other evidences of debt; the usual current rate of exchange, and in the computation of time, thirty days shall be a month and twelve months a year.

Notes to be received by banking associations

Sec. 44. All bills and notes of such banking association shall at all times be received by said association on all judgments, executions, or demands, payable to or the property of such banking association.

To whom act to apply.

Sec. 45. That each and all the provisions of this act shall apply to and control in all respects, any banker who shall conduct business under the provisions of this law, whether the word banker is or is not used in any such provision.

Penalty for putting in circulation unauthorized notes.

Sec. 46. The officers or agents of any banking association, who shall pay out to be put in circulation as money in this state, any bill, note, certificate of deposit, or other paper having the similitude of a bank note, knowing the same to have been issued without the authority of this or any other of the United States, of the congress of the United States, or of Canada, shall, upon conviction, be adjudged guilty of a misdemeanor, and shall be punished by fine not less than one hundred dollars for every piece of paper so put in circulation, or imprisoned not less than six months, or by both fine and imprisonment.

Individual liability.

Sec. 47. The stockholders in every corporation or association organized under the provisions of this act, shall be individually responsible to the amount of their respective share or shares of stock, for all its indebtedness and liabilities of every kind.

How act amended.

Sec. 48. This act may be amended by any future legislature, but no amendment thereto shall take effect or be in force until it shall have been submitted to a vote of the electors of the state, in a similar manner as is provided for in this act, and been approved by a majority of all the votes cast on the subject.

Act submitted to people.

SEC. 49. At the general election to be held on the Tuesday next succeeding the first Monday in November, in the year A. D. 1852; at the usual places of holding elections in this state, for the election of all officers required by law then to be elected, the question whether this act shall go into effect, or in any manner be in force, shall be submitted to the people, and if the same shall be approved by a majority of all the votes cast on that subject, it shall go into effect and be in force from and after the date of said election, otherwise it shall not go into effect or in any manner be in force.

Form of ballot.

SEC. 50. The votes cast on the subject specified in the last preceding section, shall be by separate ballot, and shall have written or printed, or partly written and partly printed on each of them, the words "For the bank law," or "Against the bank law," which words shall indicate the vote of the elector for or against the approval of this act; and the ballots so cast shall be canvassed and returned in the same manner as the votes cast for state officers are required by law to be canvassed, and the secretary of state shall immediately on the completion of said canvass, publish a statement of the result thereof, in some newspaper printed at the seat of government, and shall communicate the same to the next legislature, at the commencement of its session; and he shall also deliver to the state treasurer a certified copy of this act, if the same shall have been approved, and a statement of the result of the canvass of votes upon this subject, immediately after the completion of said canvass.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, April 19, 1852.
LEONARD J. FARWELL.

[*Published May* 5, 1852.]

Chap 480

An Act to provide for laying out a State Road therein described.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Commissioners.

SECTION 1. That Thomas Bragg, Thomas Fenton, and Asa Richardson, are hereby appointed commissioners to lay out and establish a state road from the point on the state line in Green county, where a state road in contemplation from Freeport, in the state of Illinois may intersect said

state line; thence on the most practicable route to Madison, in Dane county, by way of Monroe and Exeter, county of Green.

Sec. 2. The said commissioners shall receive for laying out said road, such compensation as the supervisors of the several counties through which said road shall run shall determine. Compensation.

Sec. 3. Provided that no moneys in the state treasury shall be appropriated therefor.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 19, 1852.
LEONARD J. FARWELL.
[*Published June* 2, 1852.]

An Act to incorporate the Wisconsin Institute for the Education of the Deaf and Dumb. **Chap 481**

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Section 1. That Ebenezer Chesebro, William C. Allen, Franklin K. Phœnix, Henderson Hunt, P. W. Lake, Tyman Spooner, Jesse C. Mills, James A. Maxwell, and George Williams are hereby constituted a body politic and corporate by the name of the "Wisconsin Institute for the Education of the Deaf and Dumb," and by that name they and their successors shall have succession and perpetual existence, with power to contract and be contracted with, sue and be sued, to plead and be impleaded, to make and use a common seal, and alter the same at pleasure, to take and receive by grant, deed, devise, bequest, or otherwise, property, real, personal, and mixed, and have, hold, use, enjoy, and convey the same, to adopt by-laws not inconsistent with the constitution and laws of this state, and to do all other acts necessary to the existence of the powers herein conferred. Created a body corporate.

Sec. 2. The object and duty of the corporation shall be to establish, continue, and maintain a school for the education of the deaf and dumb, at or near the village of Delavan, and to qualify, as far as may be, that unfortunate class of persons for the enjoyment of the blessings of free government, obtaining the means of subsistence, and the discharge of those duties social an political, devolving upon American citizens. Object of corporation.

Location.

SEC. 3. The school shall be continued, in or near Delavan, and the corporation shall, as early as practicable, obtain a suitable lot of ground containing not less than five acres nor more than forty acres, and proceed to erect thereon suitable buildings and make such improvements as are necessary for the school.

Power of trustees.

SEC. 4. The persons named in the first section of this act and their successors shall be the trustees of the school, to whom power is given to employ a principal and all teachers, prescribe their duties, fix their compensation and the price of instruction, prescribe the course of study, fix the price of board and all other expenses in the school, and to employ all persons necessary to the maintenance, and to carry out the operations of the school.

Who received.

SEC. 5. All deaf and dumb persons residing in Wisconsin, of suitable age and capacity to receive instructions, shall be received and taught in the said school, and no one of such persons shall be excluded from the privilege and benefit thereof by reason of the reception of persons from other states or territories.

Liability of trustees.

SEC. 6. The trustees for the time being shall be severally liable for the faithful application of all property, funds, and effects which may be received for the use of the institution, and property, funds, and effects received by gift, grant, donation, devise, or bequest shall be applied as directed by the person from whom received.

Officers.

SEC. 7. The officers of the corporation shall be a president, secretary, and treasurer, who shall be appointed by the board of trustees, the president to be elected from their own number, the trustees to serve without compensation.

Term of office.

SEC. 8. The trustees in the first section of this act named shall serve as follows to wit: three shall serve for the term of one year; three for the term of two years; and three for the term of three years, and until their successors are appointed and qualified. The trustees or a majority of them, who shall be a quorum for the transaction of business, shall meet within thirty days after the publication of this act and organize and determine by lot the three that shall serve one year, the three that shall serve two years, and the three that shall serve three years. The governor shall appoint their successors, whose term of office shall commence on the first day of June and continue for three years and until their successors are appointed and qualified.

Officers of school

SEC. 9. The officers of the school shall be a principal, who shall have the general charge of the school, and such teachers as may from time to time be appointed. The as-

ıdemic and literary degrees usually conferred by institu-
ions for the education of the deaf and dumb, shall be
onferred by this institution, and diplomas granted accor-
lingly.

Sec. 10. Deaf and dumb who may be placed in this chool by or under the authority of the state or any coun- y, city, or town, or other public corporation, shall be kept, aught, and permitted to enjoy all the benefits and privi- eges of the school, be furnished with books, boarding, odging, washing, fuel, and allowed the use of the libra- y, at not exceeding one hundred dollars per scholar for he academic year of fifty-two weeks. The provisions of his section shall apply only to scholars sent from other tates or territories. Pupils from other states.

Sec. 11. The sum of one thousand dollars a year for ıree years is hereby appropriated for the construction of ıe proper building for the Wisconsin Institution for the ducation of the Deaf and Dumb, on the site to be select- d by the trustees of said institution, under this charter: *Provided*, That no part of said appropriation shall be paid or the site to be selected for the location of said building. Money appropriated. Proviso.

Sec. 12. The said sums shall be paid to said board of ustees on the order of said board passed at any meeting ıereof, in each year, and certified to the treasurer of the ate by the president and secretary of said board. How money paid

Sec. 13. There is hereby appropriated for the support the Wisconsin Institution for the Deaf and Dumb, to e established under this charter, the sum of five hundred ollars, out of any money in the treasury not otherwise ppropriated; which money may be drawn from the state easury upon the order of the board of trustees, signed by e president and secretary of the institution, quarter year- ; which money shall be applied to the education and pport of the deaf and dumb who shall be placed in said stitution for instruction, for the year, A. D. 1852: *Pro- ded*, That before any money shall be paid to said board trustees under the provisions of this act, the said board their corporate capacity shall execute a deed in fee sim- e of the land mentioned in section three of this act, to be ated by said board for the erection of the buildings for id institute, which deed shall run to the Governor of the ate, his successors in office, the same to be perpetually ld by the state for the use and benefit of said institute. Further appropriation. Proviso.

Sec. 14. The said board shall also before the receipt of y of the money mentioned in this act, execute to the overnor of the state of Wisconsin, his successor in office, bond in the penal sum of five thousand dollars, condi- To give bonds.

tioned for the faithful application of the moneys received by the said board, which bond shall be executed by the board of trustees for the time being, together with three sufficient sureties, residents of this state, to be approved by the Governor, which bond when so executed and approved shall be deposited in the office of the secretary of state.

Trustees to deliver plan, &c.

SEC. 15. At the time of the execution and delivery of the bond mentioned in the last preceding section, and before the receipt of the money therein named, the said trustees shall deliver to the governor a plan and specification of the building to be erected upon the site selected for said institute, which plan, when approved by the Governor shall be attached to the bond hereinafter mentioned, and deposited with the secretary of state; the said trustees shall at the same time execute to the Governor a bond conditioned for the erection and completion of a building suitable for said institute upon the site so selected; the same to be erected and finished in accordance with said plan and specifications, within three years from the date of said bond, which bond shall be executed with like sureties and be approved and deposited as required in the fourteenth section of this act.

Public act.

SEC. 16. This act shall be and is hereby declared a public act and the same shall be construed in all courts and places benignly and favorably for every humane, charitable, and laudable purpose therein mentioned: *Provided*,

Proviso.

That in case any pupil shall be of sufficient ability to pay for board, lodging, washing, and fuel, or whose parents shall be of sufficient pecuniary ability to pay for the same, that then and in that case the said board of trustees shall demand and receive from such pupil or parent such portion of the expense of support in said school as they may deem right according to the pecuniary ability of such pupil or parent.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, April 19, 1852.
LEONARD J. FARWELL.

[*Published May 27, 1852.*]

An Act to incorporate the Manitowoc and Two Rivers Plank Road Company. **Chap 482**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. C. W. Fitch, J. H. W. Colby, R. E. Glover, Perry P. Smith, William Barhr, Peleg Glover, Charles Kuehn, H. H. Smith, Valentine Kaufman, Adolphus Lemere, Joseph Edwards, Horace Hampleton, Chas. Esslinger, and S. A. Wood, be and they are hereby appointed commissioners, under the direction of a majority of whom, subscriptions may be received to the capital stock of the Manitowoc and Two Rivers Plank Road Company, hereby incorporated, and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days' notice of the times and places of taking such subscriptions, by publishing the same in one or more newspapers printed in the county of Manitowoc. **Commissioners.**

SEC. 2. The capital stock of said company shall not be more than fifteen thousand dollars [in shares] of ten dollars each, and as soon as two hundred shares of the capital stock shall be subscribed, and five per cent. of the amount thereof actually paid in or secured to the said company, the subscribers to said stock with such other persons as shall hereafter associate with them for that purpose, their successors and assigns shall be, and hereby are created and declared a body corporate and politic, by the name and style of the "Manitowoc and Two Rivers Plank Road Company," with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, bargaining, and conveying estate, real, personal, or mixed, and in their corporate name may sue or be sued, may have a common seal, which they may alter or renew at pleasure, and generally may do all and singular the matters and things which an incorporated company may by law do. **Capital stock.**

SEC. 3. The said commissioners, or a majority of them, after said two hundred shares of stock shall have been subscribed as aforesaid, shall give at least twenty days' notice in one or more of the newspapers of the said county of Manitowoc, of the time and place of the meeting of the stockholders for the purpose of electing seven directors, who shall hold their offices until their successors are elected and annually thereafter on the anniversary of the first election, upon notice of the place of meeting being given to the directors, then in being, published in one or more newspapers in the county aforesaid, to be designated **To call meeting.**

by the said directors, the said stockholders shall meet
Proviso. to elect directors: *Provided*, That until the first election of directors, the said commissioners above named, upon the subscription of two hundred shares of stock, the organizing of said commissioners by the election by them of one of their number president, shall have all the powers and perform all the duties of a board of directors for said company, and the corporate existence of said company shall be taken and held to have begun and be complete as if a regular election of directors had taken place; and in case of a vacancy at any time in the board of directors, or in the said board of commissioners acting in the capacity of the directors, the board shall have power to fill such vacancy.

Board of directors. SEC. 4. The affairs of said company shall be managed by the said directors, who shall be stockholders, and be chosen by ballot by the stockholders in person, or by their proxies duly authorized, and in all elections, and in the discussions of all questions acted upon at any meeting of the stockholders, each share of stock shall be entitled to one vote, and the majority of the votes cast shall govern, except in elections where the seven persons having the greatest number of votes cast for directors shall be declared duly elected.

Powers of directors. SEC. 5. A majority of said directors shall form a quorum for the transaction of business, and shall organize by appointing one of their number president, and they shall have power to appoint a secretary and treasurer, and such other officers and agents as they shall deem fit, and may fix their compensation, and may demand adequate security for the performance of their respective trusts, and may remove said officers, and revoke the powers of said agents at pleasure; they shall also have power to make all necessary and proper by-laws, rules, and regulations for the management of said company, the subscription of stock, the payments of installments thereon, the assignments and transfer of stock certificates, and prescribing the duties of officers; all of which by-laws not inconsistent with the constitution and laws of this state when duly recorded in the books of the company, shall be effectual and binding upon the members of said company, and all persons interested therein, as if the same formed a part of this act of incorporation.

May declare stock forfeited. SEC. 6. The said board of directors shall also have power to decide the time and manner in which said stockholders shall pay installments on their stock, and to declare the forfeiture of said stock and all prior payments thereon for

failure to pay such installments as may be called for, and also to accept in behalf of said company a relinquishment of any stock subscribed, and execute to the person or persons relinquishing the same, valid releases, discharging them from all liabilities thereafter, for or on account of the acts of said company.

To issue certificates.

Sec. 7. The said directors shall have power to regulate tolls, and to make such covenants and contracts in the name and under the seal of said company, with any person or persons as the execution or management of the work and the convenience and interest of the company may require, and may issue to each stockholder a certificate or certificates for the shares which he, she, or they shall subscribe for, stating in the body of such certificate or certificates the amount paid on such share at the time of issuing such certificate or certificates; which certificate or certificates shall be transferable in the manner prescribed by the by-laws of said company.

Route of road.

Sec. 8. The company shall have power to construct a single or double track road from the village of Manitowoc to the village of Two Rivers, in the county of Manitowoc, Wisconsin, by the most eligible and practicable route as the directors shall decide. The track of said road shall be constructed of plank, stone, gravel, charcoal, or either, in whole or in part, each at the option of the directors, so that the same when completed shall constitute a firm, regular and proper surface for the passage of wagons and carriages.

May enter upon lands.

Sec. 9. It shall and may be lawful for said company, their officers, engineers, and agents, to enter upon any lands for the purpose of exploring, surveying, and locating the route of said plank road, doing thereto no unnecessary damage, and when said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors, and servants, at any time to enter upon, take possession of, and use said lands, not exceeding four rods in width along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as will be ascertained in the manner hereinafter directed: *Provided*, That such places as may be necessary for the company to obtain gravel and stone, or to make excavations and embankments for the construction of said road, the company may locate the route of said road, not to exceed six rods in width, and they may also cut down such trees, on each side of such road, as may endanger said road by falling or otherwise. Proviso.

How damages settled.

SEC. 10. When the corporation shall not agree with the owner or owners of any land, gravel, stone, or other material required for the construction of said road for the purpose thereof, or for the compensation to be paid therefor, or when by reason of the absence or legal incapacity of the owner or owners, no such purchase can be made, then and in any such case, it shall be lawful for any justice of the peace to issue a warrant directed to the sheriff or any constable of said county, not directly interested, requiring him to summon a jury of nine freeholders of said county, not interested in said property, to meet said justice at some convenient place at or near the property to be valued, on a day in said warrant named, not less than five nor more than ten days from the date of said warrant; and if at the time and place named any of the persons summoned do not attend, the said sheriff or constable, shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a panel of nine jurors, and from them the said company and the owner or owners of the said property to be valued, their agent or attorney, or either of them, and if they are not present by attorney, the sheriff, or constable, shall for him, her, or them, strike off each two of said jurors, and the remaining five shall act as a jury of inquest of damages. Before they act as such, the said justice of the peace shall administer to each of them an oath or affirmation that they will faithfully and impartially value the land and material required for such road, and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantages the same will be to the owner or owners, according to the best of his skill and judgment; whereupon the said justice and the jurors shall proceed to view the said land or material so required and to hear the evidence of the respective parties, which the said justice shall reduce to writing, which shall be signed by the said justice, and the verdict of the jurors thereon shall be signed by the jurors, or a majority of them, and by the justice of the peace; and the said justice of the peace shall within five days thereafter transmit the same to the clerk of the circuit court of the proper county, who shall file the same. Such inquisition shall describe the property taken, or to be taken, or the boundaries of the land in question and the value thereof as aforesaid, and such valuation when paid together with the costs of such inquisition, or tendered to the owner or owners, or deposited with the said court, shall entitle the said company to the estate and interest in the

same thus valued, as if it had been conveyed by the owner or owners thereof, so long as the land thus valued and taken shall be used for the track of said plank road: *Provided*, That it shall not be lawful for any justice or jury of inquest to proceed in the valuation of any such property or material, in the absence of the owner or owners thereof, his, her, or their legal representatives, unless it be made to appear by affidavit that such owner or owners have had at least five days' notice of the time and place of meeting for the purpose of making such valuation, or unless it shall in like manner be shown that such owner or owners are under age or *non compos mentis*, such service of notice may be made upon the guardian or trustee under the same restrictions as in the case of owners, or if there be no guardian or trustee, the same shall be established by affidavit: *Provided*, That no such materials shall be taken if the jury shall decide the same are essential to the owner or owners thereof: *Provided*, That any party conceiving himself aggrieved by any decision herein stated, may in every such case appeal from such decision to the circuit court of the county in which the property in question is situate, as in ordinary cases of appeal. Proviso.

Sec. 11. The directors shall have power in their discretion to construct said plank road along or upon any road or highway, now or hereafter to be laid out, opened, and established by the proper authorities, and of such width and in such manner as the said directors shall determine: *Provided*, They procure by agreement with the supervisors of any town the right to take and use any part of any public highway in such town for the construction of such proposed roads, and agree with such upon amount of compensation and damages to be paid by such company to such supervisors therefor. Every such agreement with the supervisors shall be in writing, and shall be filed in the town clerk's office of the town, and such compensation and damages when paid to the supervisors, shall be expended by them in improving the highways of such town; and they may erect toll gates and exact toll from persons traving on their road when four consecutive miles are finished, or when the whole road is completed, not exceeding 70 cents per mile for every vehicle, sled, sleigh, or carriage drawn by two animals, and if drawn by more than 70 animals, one cent per mile for every additional animal; for every sled, sleigh, or carriage drawn by one animal, one cent per mile; and for every horse and rider or led animal, one cent per mile; for one score of sheep or swine, one cent per mile; and for every score of neat cattle, four May construct road on highway.

Rates of toll.

cents per mile: *Provided*, That persons going to and from military parade at which they are required by law to attend, and persons going to and from funerals, shall be exempt from toll. The toll gatherer at each gate, when erected on said road in pursuance of this act, may detain and prevent from passing such gate any animal or carriage subject to toll, until the same is paid.

Proviso.

Sec. 12. The said directors may receive from any stockholder in said company, in lieu of money for the stock subscribed by him, real or personal security, to the approval of said board of directors, and upon the acceptance of such security from said stockholders or any of them, the subscription of said stockholders shall be considered as paid, and certificates of stock shall be issued to said stockholder in the same manner as if he had paid in the full amount of his subscription in money, and it shall be competent for the said stockholders paying their subscription to said stock in securities as aforesaid, to contract and pay to said company, interest at the rate of twelve per centum per annum, for a period not exceeding ten years, and to execute to said company by its corporate name, bonds, mortgages, or notes for such stock, which shall be available for the use and benefit of said company and for all subsequent holders thereof, and be transferable by them or any of them, in the same manner as if the same were made payable to individuals or to their orders or assigns.

May receive securities in payment of stock.

Sec. 13. If any person shall willfully or knowingly obstruct, break, injure, or destroy the said road to be constructed by said company, or any part thereof, or any work, building, or fixtures attached to or in use upon the same belonging to said company, such person or persons so offending, shall each of them, for every such offence, be liable to a civil suit for the recovery of damages by said company by an action of trespass, in any court having competent jurisdiction in the county where the offence shall have been committed, and shall also be subject to indictment, and upon conviction, shall be punished by fine and imprisonment, or either, at the discretion of the court.

Penalty for damage to road.

Sec. 14. Any person who shall willfuly break down any gate on such road which may have been erected in pursuance of this act, or do any damage to said road, or forcibly or fraudulently pass any such gate without having paid the legal toll, or to avoid the payment of the legal toll, shall with his team, carriage, or animal turn out of said road or pass any gate thereon, or ground adjacent thereto, and again return on said road, shall for each offence forfeit a sum not exceeding ten dollars, to and for

Penalty for injury to road.

the use of said company, and also for all damages done to the profits of said company in an action of trespass.

Sec. 15. The directors of said company at any annual or special meeting of the stockholders, may provide for such increase of the capital stock of said company as may be found necessary to complete said road, in such sections as may have been actually commenced but remain in an unfinished state for want of means for completing the same. May increase capital stock.

Sec. 16. If said corporation should not within five years from the passage of this act commence the construction of said plank road and expend one thousand dollars or more thereon, and shall not within ten years from the passage of this act construct, finish, and put in operation a single or double track of plank or gravel road between the places aforementioned, then the rights, privileges, and powers of the said corporation under this act, shall be null and void. How charter forfeited.

Sec. 17. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state, shall be received as evidence thereof. Public act.

Sec. 18. This act may be altered or amended by any future legislature of the state of Wisconsin.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved April 19, 1852.
LEONARD J. FARWELL.

[*Published June 9, 1852.*]

An Act to incorporate the Delavan and Whitewater Rail Road Company.

Chap 483

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

Section 1. That William C. Allen, H. C. Hemingway, E. M. Rice, M. F. Hawse, F. W. Phœnix, Charles H. Sturtevant, Aaron H. Faggert, Freeman L. Pratt, Leander Birge, S. C. Hall, J. S. Partridge, Norman A. Miller, Solmous Wakeley, William Birge, Prosper Cravath, Rufus Cheeney, Jr. and P. H. Brady, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Whitewater and Delavan Plank Road Company, hereby incorporated, and they may cause books to Commissioners.

be opened at such times and places as they shall direct for the purpose of receiving subscriptions to the capital stock of said company after first giving thirty days' notice of the times and places of taking such subscriptions, by publishing the same in a newspaper printed in the county of Walworth.

Capital stock

SEC. 2. The capital stock of said company shall be fifty thousand dollars, to be divided into shares of twenty-five dollars each, and as soon as two hundred shares of the capital stock shall be subscribed and five per cent. thereof actually paid in, the subscribers of such stock with such other persons as shall be associated with them for that purpose, shall be and they are hereby created and declared a body politic and corporate with perpetual succession, by the name and style of "The Whitewater and Delavan Plank Road Company," and shall be capable of holding, leasing, conveying, and purchasing estate, real, personal, and mixed, may sue and be sued in their corporate name in all the courts of this state, may have a common seal and generally may have all the rights and privileges incident by law to an incorporated company.

To call meeting.

SEC. 3. It shall be the duty of said commissioners as soon as practicable after the said two hundred shares of stock shall have been subscribed, to call a meeting of the stockholders at such time and place as they shall designate, by posting notices thereof in two public places in each of the towns of Whitewater and Delavan, and by publishing the same in a weekly newspaper published in the said county of Walworth, for the purpose of choosing seven directors of said company, and the persons then chosen shall be the first directors of said company and shall hold their offices for one year and until others are chosen in their stead.

Board of directors.

SEC. 4. The affairs of said company shall be managed by a board of seven directors who shall be chosen annually by ballot by the stockholders of the said company, at such time and place as the by-laws shall prescribe for the annual meeting of said stockholders. The said directors shall be stockholders, shall appoint one of their number president, and shall serve until others are elected in their stead; they shall make such by-laws and regulations not inconsistent with the constitution and the laws of the United States and of the state of Wisconsin, as may be necessary for the government of said company. At every meeting of stockholders each stockholder shall be entitled to one vote for every share of capital stock he shall hold, and may vote in person or by proxy duly authorized.

Powers of directors.

Sec. 5. Five directors shall constitute a quorum for the transaction of business. The said directors shall appoint a secretary, treasurer, and such other officers as shall be necessary, shall fix their compensation, and may demand adequate security for the performance of their respective trusts, they shall have full power to decide the time and manner in which the said stockholders shall pay the money due on their respective shares, not exceeding twenty-five per cent. in any one installment, and forfeit for the use of said company the share or shares of every person failing to pay any installment at a reasonable period not less than thirty days after the time appointed for the payment thereof. They shall have power to regulate tolls, to make such contracts as the prosecution of the work and the interest of the company may require, and generally to superintend and direct all the operations and financial affairs of the company, they shall also have power to fill any vacancy which may occur in their board.

To issue certificates.

Sec. 6. The directors shall issue a certificate to each stockholder for the number of shares he or she shall subscribe for, signed by the president and countersigned by the secretary, subject, however, to all payments due and become due thereon, which stock shall be transferable person or by attorney, under such regulations as may be provided in the by-laws of said company.

Route of road.

Sec. 7. The company when organized as provided in the third section of this act, shall have power to locate and construct a single or double track plank road from the village of Whitewater in the county of Walworth to the village of Delavan in said county. The track of said road shall be constructed of timber and plank, charcoal, stone, gravel, or partly of each, so as to have a hard, smooth, and even surface; the particular mode of building said road to be determined by the directors.

Location to be determined by directors.

Sec. 8. The locating of the route of said road shall be determined by the board of directors, and if any part of said same be located on any public highway, they shall have power to contract with the supervisors of the town in which said road may be, for the right to use the highway for the purpose of such road, and the said supervisors are hereby authorized to grant to said company the right to use said highway in their town as aforesaid.

May enter on lands.

Sec. 9. It shall be lawful for said company, their officers and agents, to enter upon any lands for the purpose of exploring, surveying, and locating the route of said plank road, doing thereunto no unnecessary damage, and when the route shall have been determined it shall be lawful

for them, their agents, officers, engineers, contractors, and servants, to enter upon, take possession of, and use such lands for the purposes of said road, not exceeding four rods in width along the line of such road, and to take from any lands adjoining thereto such earth, gravel, stone, or other material as may be required for the construction of said road, subject, however, to the payment of such compensation as the company may have agreed to pay therefor or as shall be ascertained in the manner hereinafter directed and provided.

How damages settled.

Sec. 10. When the said corporation cannot agree with the owner or owners of any lands or earth, gravel, stone, or other material required for the construction of said road, for the purchase thereof, or the compensation to be paid therefor, or when by reason of the absence or legal incapacity of the owner or owners no such agreement or purchase can be made, then and in any such case it shall be lawful for any justice of the peace in the county in which the property may lie, to issue his warrant to the sheriff or any constable of said county not directly interested, requiring him to summon a jury of nine freeholders of said county not interested in said property, to meet in some convenient place at or near the property to be valued, on a day in said warrant named, not less than five nor more than ten days from the date of said warrant, and if at the time and place named any of the persons so summoned do not attend, then said sheriff or constable shall immediately summon as many as may be necessary with the persons in attendance as jurors to furnish a pannel of nine jurors, and from them the said company and the owner or owners of the property to be valued, their agent or attorney, or either of them, and if they are not present in person or by attorney, the sheriff or constable shall for him, her, or them strike off each two of said jurors, and the remaining five shall act as a jury of inquest of damages, and before they act as such the said justice of the peace shall administer to each of them an oath or affirmation that he will faithfully and impartially estimate the compensation which shall be paid to such owner or owners for such land or material required for the construction of said road according to the best of his skill and judgment; whereupon the said jurors shall forthwith or at such time not exceeding forty days therefrom, as they may designate, when such adjournment may be necessary to admit of the required notice, proceed to view the said land or material so required, and to hear the evidence of the respective parties which the said jurors shall reduce to writing, which shall

be signed by all or a majority of said jurors and by the said justice of the peace in attendance, and the said justice shall within five days thereafter transmit the same to the clerk of the county court of said county, who shall file the same. Such inquisition shall describe the property so taken or to be taken, the boundaries of the land in question, and the compensation to be paid as aforesaid; and when such compensation shall be paid, together with the cost of such inquisition, or tendered to the owner or owners, or deposited with the said court, shall entitle said company to the estate and interest of the land thus valued, as if it had been conveyed by the owner in fee simple, so long as the land thus valued shall be used for the track of said plank road: *Provided*, That it shall not be lawful for any justice and jury to proceed in the valuation of any such property or material in the absence of the owner or owners thereof, his, her, or their legal representatives or agents, unless it be made to appear by affidavit that such owner or owners have had at least five days' notice of the time and place of meeting for the purpose of making such valuation, or unless it shall in like manner appear that such owner or owners are under age or *non compos mentis*, in which case service of notice may be made on the guardian or trustee under the same restrictions as the case of owners, or if there be no guardian or trustee, the same shall be established by affidavit, and in case such owner or owners reside out of this state, or cannot by due diligence be found therein, the notice may be given by publication for four weeks in a newspaper printed in the county where the premises are situated: *Provided, further*, That in case of such disagreement the company shall not take possession of any land or material until such jury shall have first decided that the taking thereof is necessary, and in case of materials, that the same are not essentially necessary to the owner or owners thereof, for his, her, or their private use. Proviso.

Sec. 11. On the completion of said road or any portion of the track not less than three miles, the company may erect one or more toll gates upon their road, but not at a less distance apart than three miles, and may demand and receive such tolls as from time to time they may think reasonable, not exceeding two cents per mile for [any] vehicle drawn by one or two animals; one cent for every additional animal; for every horse and rider or led animal, one cent per mile; for every score of sheep and swine, two cents per mile; and for every score of neat cattle, four cents per mile: *Provided*, That persons going to or re- Rates of toll. Proviso.

turning from any military parade which they are required by law to attend, and persons going to or returning from funerals, shall be exempt, and no toll shall be exacted from any person or persons while actually going to or returning from any religious meeting on Sunday.

Penalty for damage to road.

SEC. 12. Any person who shall willfully break or throw down any gate on such road which may have been erected in pursuance of this act, or shall forcibly or fraudulently pass any gate without having paid the legal toll, or to avoid the payment of legal toll shall with his team, animal, or animals turn out of such road or pass any gate thereon and again return thereon, shall for each offense forfeit a sum not exceeding ten dollars to and for the use of said company, and shall also be liable for all damages done.

How charter forfeited.

SEC. 13. If said company shall not within five years from the passage of this act commence the construction of said road or shall not within ten years have completed a single or double track for a distance of six miles, or if said company shall misuse or abuse any of the privileges hereby granted, the legislature may reserve the rights and privileges vested in said company, or may establish rules for the government of said company in the use of said road.

May increase capital stock.

SEC. 14. The directors of said company may at an annual or special meeting of the stockholders with the consent of a majority in amount of said stockholders, provide for such increase of the capital stock of said company as may be necessary to complete said road.

SEC. 15. This act may be amended by any future legislature.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, April 19, 1852.
LEONARD J. FARWELL.

[*Published July* 1, 1852.]

Chap 484 An act to incorporate the Hustisford and Tolands Prairie Plank and Turnpike Road Company.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

Commissioners.

SECTION 1. That Samuel W. Limann, Sybrant Hall, Edward Weitherall, Hiram Sanders, Luther Powers, Abel B. Sanford, Patrick Toland, L. S. VanOrden, and William Schman be, and they are hereby appointed commissioners, under the direction of a majority of whom subscrip-

tions may be received to the capital stock of the Hustisford and Toland Prairie Plank and Turnpike Road Company hereby incorporated, and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days' notice of the times and places of taking such subscriptions, by publishing the same in one or more newspapers printed in Milwaukee, Jefferson, and Dane counties.

Sec. 2. That the capital stock of said company shall be thirty thousand dollars, with leave to increase to a reasonable amount, in shares of ten dollars each; and as soon as one thousand dollars shares of the capital stock shall be subscribed, and five per centum actually paid in, the subscribers of such stock, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be, and they are hereby declared a body corporate and politic, by the name of the "Hustisford and Toland Prairie Plank and Turnpike Road Company," with perpetual succession; and by that name shall have all the privileges, franchises, and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing, and conveying estate, either real, personal, or mixed, and in their corporate name may sue and be sued, may have a common seal, which they may alter or renew at pleasure, and generally may do all and singular matters and things which they are authorized by law to do for the interest and well being of said company. Capital stock

Sec. 3. That the said commissioners or a majority of them, after the said thousand dollars shall have been subscribed as aforesaid, shall give at least twenty days' notice in the newspapers hereinbefore mentioned, of the time and place of meeting of the stockholders for the purpose of electing seven directors; and annually thereafter the said stockholders shall meet on the first Monday of July for the purpose of electing directors as aforesaid, upon a like previous notice to be given by a majority of the directors for the time being, in such newspapers as they may think proper: *Provided*, That previous to the first election, the commissioners hereinbefore named shall elect one of their number president, and they shall perform all the duties and be invested with all the powers of directors; *And provided*, That if from any cause an election shall [not be held at the time appointed, it may] be held at any other time, on notice as aforesaid; that until such election, the directors of the preceding year shall continue to act, and the charter shall not be avoided by reason of the irregu- To call meeting.

larity or want of such election; and in case of any vacancy in the board of directors, the same may be filled by the other directors or a majority of them.

Board of directors.

SEC. 4. The affairs of said company shall be managed by a board of seven directors, who shall be stockholders and be chosen annually by ballot, by the stockholders of said company, the votes to be given in person or by proxy duly authorized; which directors shall appoint one of their number president, and shall serve until others are elected in their stead. They shall make and establish such by-laws, rules, orders, and regulations, not inconsistent with the constitution and laws of the United States and of the state of Wisconsin, as may be necessary for the well ordering of the affairs of said company. Each share of stock shall be entitled to one vote; and in all cases of elections for directors the seven stockholders having the greatest number of votes shall be declared duly elected.

Powers of directors.

SEC. 5. Five directors shall be a quorum for the transaction of business, who in the absence of the president, may appoint a president *pro tem.* The said directors shall appoint a secretary, treasurer, and such engineers and other officers as they may find necessary; shall fix their compensation, and may demand adequate security for the performance of their respective trusts; they shall have full power to decide the time and manner in which the said stockholders shall pay the money due on their respective shares; may forfeit to the use of the said company the share or shares of every person or persons failing to pay any installment, at a reasonable period not less than sixty days after the time appointed for the payment thereof. They shall have power to regulate tolls, to make such covenants, contracts, and agreements with any person or persons, or body politic whatsoever, as the execution and management of the works, and convenience and interests of the company may require, and in general to superintend and direct all the operations, receipts, disbursements and other proceedings of the company. The commissioners, until the directors are chosen, shall issue certificates to each stockholder for the number of shares he or she shall subscribe for or hold in said corporation, signed by the president and countersigned by the secretary, subject to all the payments due and to become due thereon; which stock shall be transferable in person, or by attorney, executors, administrators, guardians, or trustees, under such regulations as may be provided by the by-laws of said company.

SEC. 6. The said company shall have power to locate a single or double, track plank or turnpike road from such

eligible point in the village of Hustisford, in Dodge county, by the way of Neosho to such eligible point on Tolands Prairie, in Washington county, and to unite and consolidate stock with any other plank road company, as shall be determined upon by a vote of the stockholders having a majority of the stock of said company, and who shall be represented in person or by proxy, at a special meeting called for the purpose of fixing the location or termination of said road, and they shall have power to erect all such toll houses, bridges, and other works and appendages as may be necessary for the convenience of said company, in the use of said road, and also to connect the said road with other plank roads in the state of Wisconsin. The directors shall exercise all the powers conferred upon them by law, shall audit and pay all accounts for the compensation and salary of the officers they may appoint, and meet at such times and places as they may prescribe in the by-laws to be enacted by them. They may appoint and remove all officers at pleasure, prescribe the meeting of the stockholders, and declare and pay the dividends, or so much of the surplus profits of the company as they shall deem advisable, which may accrue on the shares of said stock, to the stockholders of said company on the first Monday of July and January of each year. Route of road.

Sec. 7. It shall and may be lawful for the said company, their officers, engineers, and agents, to enter upon any land for the purpose of exploring, surveying, and locating the route of said plank and turnpike road, doing thereto no unnecessary damage, and when the said route shall be determined by the said company, it shall be lawful for them their agents, officers, engineers, contractors, and servants, at any time to enter upon, take possession of, and use such lands, not exceeding four rods in width, along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereafter described. May enter on lands.

Sec. 8. When the said corporation cannot agree with the owner or owners of any land, gravel, stone, or other material required for the construction of said road, for the purchase thereof or the compensation to be paid therefor, when by reason of the absence or legal incapacity of the owner or owners no such purchase or agreement can be made, then and in any such case it shall be lawful for any justice of the peace of the town in which the property may lie, to issue his warrant directed to the sheriff or any constable of said county, not directly interested, requiring How damages settled.

him to summon a jury of nine freeholders of said county not interested in said property, to meet at some convenient place at or near the property to be valued, on a day in said warrant named, not less than five nor more than ten days from the date of said warrant; and if at the time and place named any of the persons so summoned do not attend, the said sheriff or constable shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a pannel of nine jurors, and from them the said company and the owner or owners of the property to be valued, their agent or attorney, or either of them, and if they are not present in person or by attorney the sheriff or constable shall, for him, her, or them, strike off each two of said jurors, and the remaining five shall act as a jury of inquest of damages; and before they act as such, the said justice of the peace shall administer to each of them an oath or affirmation that he will faithfully and impartially value the land or material required for such road, and all damages which the owner or owners shall sustain by reason of the construction of said road, according to best of his skill and judgment; whereupon the said jurors shall proceed to view the said land and material so required, and to hear the evidence of the respective parties, which the said justice shall reduce to writing, which shall be signed by all or a majority of said jurors and by the justice; and the said justice shall within five days thereafter transmit the same to the clerk of the district court of the proper county, who shall file the same. Such inquisition shall describe the property taken or to be taken, or the boundaries of the land in question and the value thereof as aforesaid, and such valuation, when paid together with the costs of inquisition or tendered to the owner or owners, or deposited with the said court, shall entitle the said company to the estate and interest in the same thus valued, as if it had been conveyed by the owner or owners thereof in fee simple: *Provided*, That it shall not be lawful for any such jury of inquest to proceed in the valuation of any such property or material in the absence of the owner or owners thereof, his, her, or their legal representatives, unless it be made to appear by affidavit that such owner or owners have had at least five days' notice of the time and place of meeting for the purpose of making such valuation, or unless it shall in like manner be shown that such owner or owners are absent from the county, and if such owner or owners are under age, or *non compos mentis*, the service of notice upon the guardian or trustee, if any there be, or the absence from

Proviso.

the county, shall be required to be established by affidavit to the said justice before they shall proceed to make such valuation.

Sec. 9. The shares of stock of the corporation shall be deemed personal property, and every person becoming a stockholder by transfer, purchase, or otherwise, of shares of stock, shall succeed to all the rights and liabilities of the prior holder of said share or shares, [and the said shares] shall be liable to be taken in execution for judgment of debts of their owner, in such manner as may be provided by law: *Provided*, That all debts due said company shall be first paid. Whenever the route of said road follows the line of any public highway, the said company shall not take possession of the said highway until the commissioners of highways for the town through which it passes shall have given their written consent, which shall be recorded in the town clerk's office; or if the said commissioners refuse to give their consent, then the damages to the town shall be appraised or ascertained as in case of private property, and the amount so appraised for each highway so taken, shall be paid to the said commissioners of the town to which it belongs, to be by them applied in improving the roads of each town.

Stock deemed personal property

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Sec. 10. The directors may erect toll gates and exact toll from peasons traveling on their road whenever four consecutive miles are finished, or when the whole road is completed, not exceeding two cents a mile for every vehicle, sled, sleigh, or carriage drawn by two animals; and if drawn by more than two animals, one cent a mile for each additional animal; for every vehicle, sled, sleigh, or carriage drawn by one animal, one cent per mile; for one score of sheep or swine, three cents a mile; and for every score of neat cattle, four cents per mile: *Provided*, that persons going to and from military parade, at which they are required by law to attend, and persons going to and from funerals shall be exempt from toll.

Rates of toll.

Sec. 11. If any person shall wilfully and knowingly obstruct, break, injure, or destroy the plank or turnpike road so to be constructed by said company, or any part thereof, or any work, building, or fixture attached to or in the same, belonging to said company, said person or persons so offending shall each of them, for every such offence, be liable to a civil suit for the recovery of damages by said company by an action of debt, in any court having competent jurisdiction in the county wherein the offence shall have been committed, and shall also be subject to indictment, and upon conviction shall be punished by

Penalty for damage to road.

fine not less than fifty nor more than two hundred dollars, and imprisonment not exceeding thirty days, or either at the discretion of the court.

May increase capital stock.

Sec. 12. The directors of said company may at any annual or special meeting of the stockholders, with the consent of a majority in amount of such stockholders provide such increase of the capital stock of said company as may be found necessary to complete said road in such sections as may have been actually commenced but remain in an unfinished state for want of means for completing the same.

How charter forfeited.

Sec. 13. If said corporation shall violate any of the privileges granted hereby, the legislature of the state of Wisconsin may resume all and singular the rights and privileges vested in said company.

Limit to installment.

Sec. 14. No installment shall be demanded of any stockholder, by the directors of said company exceeding one dollar for each share at any one time, nor while a sum exceeding three thousand dollars remains in the hands of the treasurer unappropriated to the work at that time contracted.

Penalty for evading toll.

Sec. 15. (*If*) any person who shall willfully break or throw down any gate on said road, which may have been erected in pursuance of this act, or do any damages to said road, or forcibly or fraudulently pass any such gate without having paid the legal toll, or to avoid the payment of the legal toll, shall with his team, carriage, or animal, turn out of said road, or pass any gate thereon, on adjacent ground, and again return on said road, shall for each offence, forfeit a sum not exceeding ten dollars to and for the use of said company, and also for all damages done to the profits of said company, in an action of trespass.

Condition of charter.

Sec. 16. If said corporation shall not within three years from the passage of this act, commence the construction of said plank and turnpike road, and expend three thousand dollars or more thereon, and shall not within ten years from the passage of this act, construct, finish, and put in operation a single or double track of plank and turnpike road from Hustisford to Tolands Prairie, as aforesaid, then the rights, privileges, and powers of said corporation under this act shall be null and void.

Public act.

Sec. 17. This act shall be favorably construed to effect the purposes hereby intened, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state of Wisconsin shall be received as evidence thereof.

Sec. 18. This act may be amended by any future legislature of the state of Wisconsin.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved April 19, 1852.
LEONARD J. FARWELL.

[*Published July 6, 1852.*]

An Act to incorporate the Manitowoc and Green Bay Plank Company. **Chap 485**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. James Bennett, A. W. Preston, August Baensch, Oscar Rock, J. E. Platt, J. H. Jerome, George Hothersall, Gilbert Burnett, John Spencer, John B. Leist, Hugh Riley, Joseph Praquin, Joseph Alie, Clifford King, I. S. Baird, A. G. Ellis, and John Day, be and they are hereby appointed commissioners, under the direction of a majority of whom, subscriptions may be received to the capital stock of the Manitowoc and Green Bay Plank Road company, hereby incorporated, and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days' notice of the times and places of taking such subscriptions, by publishing the same in one or more newspapers printed in the county of Manitowoc or the county of Brown. Commissioners.

Sec. 2. The capital stock of said company shall not be more than one hundred thousand dollars in shares of twenty dollars each, and as soon as one hundred shares of the capital stock shall be subscribed, and five per cent. of the amount thereof actually paid in or secured to the said company, the subscribers to said stock with such other persons as shall thereafter associate with them for that purpose, their successors and assigns shall be, and are hereby created and declared a body corporate and politic, by the name and style of the "Manitowoc and Green Bay Plank Road company," with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, gaining, and conveying estate, real, personal, or mixed, and in their corporate name may sue or be sued, may have common seal, which they may alter or renew at pleasure, and generally [may] do all and singular the matters and things which an incorporate company may by law do. Capital stock.

To call meeting.

Sec. 3. The said commissioners, or a majority of them, after said two hundred shares of stock shall have been subscribed as aforesaid, shall give at least twenty days' notice in one or more newspapers of the said county of Manitowoc or Brown, of the time and place of the meeting of the stockholders for the purpose of electing seven directors, who shall hold their offices until their successors are elected, and annually thereafter on the anniversary of the first election, upon notice of the place of meeting being given by the directors, then in being, published in one or more of the newspapers in the counties aforesaid, to be designated by the said directors, the said stockholders shall meet to elect directors: *Provided*, That until the first election of directors, the said commissioners above named, upon the subscription of two hundred shares of stock, the organizing of said commissioners by the election by them of one of their number president, shall have all the powers and perform all the duties of a board of directors for said company, and the corporate existence of said company shall be taken and held to have begun and be complete as if a regular election of directors had taken place; and in case of a vacancy at any time in the board of directors, or in said board of commissioners acting in the capacity of the directors, the board shall have power to fill such vacancy.

Proviso.

Board of directors.

Sec. 4. The affairs of said company shall be managed by the said directors, who shall be stockholders, and be chosen by ballot by the stockholders in person, or by their proxies duly authorized, and in all elections, and in the discussion of all questions acted upon at any meeting of the stockholders, each share of stock shall be entitled to one vote, and the majority of the votes cast shall govern, except in elections where the seven persons having the greatest number of the votes cast for directors shall be declared duly elected.

Powers of directors.

Sec. 5. A majority of said directors shall form a quorum for the transaction of all business, and shall organize by appointing one of their number president, and they shall have power to appoint a secretary and treasurer, and such other officers and agents as they shall deem fit, and may fix their compensation, and may demand adequate security for the performance of their respective trusts, and may remove said officers, and revoke the powers of said agents at pleasure; they shall also have power to make all necessary and proper by-laws, rules, and regulations for the management of said company, the subscription of stock, the payments of installments thereon, the assign-

ments and transfer of stock certificates, and prescribing the duties of officers; all of which by-laws not inconsistent with the constitution and laws of this state when duly recorded in the books of the company, shall be effectual and binding upon the members of said company, and all persons interested therein, as if the same formed a part of this act of incorporation.

May declare stock forfeited.

Sec. 6. The said board of directors shall also have power to decide the time and manner in which said stockholders shall pay installments on their stock, and to declare the forfeiture of said stock and all prior payments thereon for failure to pay such installments as may be called for, and also to accept in behalf of said company a relinquishment of any stock subscribed, and execute to the person or persons relinquishing the same, valid releases, discharging them from all liabilities thereafter, for or on account of the acts of said company.

To issue certificates.

Sec. 7. The said directors shall have power to regulate calls, and to make such covenants and contracts in the name and under the seal of said company, with any person or persons as the execution or management of the work and the convenience and interest of the company may require, and may issue to each stockholder a certificate or certificates for the shares which he, she, or they shall subscribe for, stating in the body of such certificate or certificates the amount paid on such share at the time of issuing such certificate or certificates; which certificate or certificates shall be transferable in the manner prescribed by the by-laws of said company.

Route of road.

Sec. 8. The said company shall have power to construct a single or double track road from the village of Manitowoc, in Manitowoc county, Wisconsin, and thence to the village of Green Bay, in the county of Brown, Wisconsin, from the village first aforesaid till it intersects the Green Bay and Two Rivers Plank or Turnpike Road, and by the most eligible and practicable [route] as the directors shall decide. The track of said road shall be constructed of plank, stone, gravel, charcoal, or either, in whole or in part, each at the option of the directors, so that the same when completed shall constitute a firm, regular and proper surface for the passage of wagons and carriages.

May enter upon lands.

Sec. 9. It shall and may be lawful for said company, their officers, engineers, and agents, to enter upon any lands for the purpose of exploring, surveying, and locating the route of said plank road, doing thereto no unnecessary damage, and when said route shall be determined by the said company, it shall be lawful for them, their agents, offi-

cers, engineers, contractors, and servants, at any time to enter upon, and take possession of, and use said lands, not exceeding four rods in width along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as will be ascertained in the manner hereinafter directed: *Provided*, That in such places as may be necessary for the company to obtain gravel and stone, or to make excavations and embankments for the construction of said road, the company may locate the route of said road, not to exceed six rods in width, and they may also cut down such trees, on each side of the road, as may endanger the said road by falling or otherwise.

Proviso.

How damages settled.

Sec. 10. When the said corporation shall not agree with the owner or owners of any land, gravel, stone, or other material required for the construction of said road for the purchase thereof, or for the compensation to be paid therefor, or when by reason of the absence or legal incapacity of the owner or owners, no such purchase can be made, then and in any such case, it shall be lawful for any justice of the peace to issue a warrant directed to the sheriff or any constable of said county, not directly interested, requiring him to summon a jury of nine freeholders of said county, not interested in said property, to meet the said justice at some convenient place at or near the property to be valued, on a day in said warrant named, not less than five nor more than ten days from the date of said warrant; and if at the time and place named any of the persons named do not attend, the said sheriff or constable, shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a panel of nine jurors, and from them the said company and the owner or owners of the said property to be valued, their agent or attorney, or either of them, and if they are not present by attorney, the sheriff, or constable, shall for him, her, or them, strike off each two of said jurors, and the remaining five shall act as a jury of inquest of damages. Before they act as such, the said justice of the peace shall administer to each of them an oath or affirmation that they will faithfully and impartially value the land and material required for such road, and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantages the same will be to the owner or owners, according to the best of his skill and judgment; whereupon the said justice and the jurors shall proceed to view the said land or material so required and to hear the evi-

dence of the respective parties, which the said justice shall reduce to writing, which shall be signed by the said justice, and the verdict of the jurors shall be signed by the jurors, or a majority of them, and by the justice of the peace; and the said justice of the peace shall within five days thereafter transmit the same to the clerk of the circuit court of [the] proper county, who shall file the same. Such inquisition shall describe the property taken, or to be taken, or the boundaries of the land in question and the value thereof as aforesaid, and such valuation when paid, together with the costs of such inquisition, or tendered to the owner or owners, or deposited with the said court, shall entitle the said company to the estate and interest in the same thus valued, as if it had been conveyed by the owner or owners thereof, so long as the land thus valued and taken shall be used for the track of said plank road: *Provided*, That it shall not be lawful for any justice or jury of inquest to proceed in the valuation of any such property or material, in the absence of the owner or owners thereof, his, her, or their legal representatives, unless it be made to appear by affidavit that such owner or owners have had at least five days' notice of the time and place of meeting for the purpose of making such valuation, or unless it shall in like manner be shown that such owner or owners are under age or *non compos mentis*, such service of notice may be made upon the guardian or trustee under the same restrictions as in the case of owners, or if there be no guardian or trustee, the same shall be established by affidavit: *Provided*, That no such materials shall be taken if the jury shall decide that the same are essential to the owner or owners thereof: *Provided*, That any party conceiving himself aggrieved by any decision herein stated, may in every such case appeal from such decision to the circuit court of the county in which the property in question is situate, as in ordinary cases of appeal. Proviso.

Sec. 11. The directors shall have power in their discretion to construct said plank road along or upon any road or highway, now or hereafter to be laid out, opened, and established by the proper authorities, and of such width and in such manner as the said directors shall determine: *Provided*, They procure by agreement with the supervisors of any town the right to take and use any part of any public highway in such town for the construction of such proposed roads, and agree with such upon the amount of compensation and damages to be paid by such company to the supervisors therefor. Every such agreement with the supervisors shall be in writing, and shall be filed in the May construct road on highway.

town clerk's office of the town, and such compensation and damages when paid to the supervisors, shall be expended by them in improving the highways of such town; and they may erect toll gates and exact toll from persons traveling on their road when four consecutive miles are finished, or when the whole road is completed, not exceeding two cents per mile for every vehicle, sled, sleigh, or carriage drawn by two animals, and if drawn by more than two animals, one cent per mile for every additional animal; for every sled, sleigh, or carriage drawn by one animal, one cent per mile; and for every horse and rider or led animal, one cent per mile; for one score of sheep or swine, one cent per mile; and for every score of neat cattle, four cents per mile: *Provided*, That persons going to and from military parade at which they are required by law to attend, and persons going to and from funerals, shall be exempt from toll. The toll gatherer at each gate, when erected on said road in pursuance of this act, may detain and prevent from passing such gate any animal or carriage subject to toll, until the same is paid.

Rates of toll.

Proviso.

May receive securities in payment of stock.

SEC. 12. The said directors may receive from any stockholder in said company, in lieu of money for the stock subscribed by him, real or personal security, to the approval of said board of directors, and upon the acceptance of such security from said stockholders or any of them, the subscription of said stockholders shall be considered as paid, and certificates of stock shall be issued to said stockholder in the same manner as if he had paid in the full amount of his subscription in money, and it shall be competent for the said stockholders paying their subscription to said stock in securities as aforesaid, to contract and pay to said company, interest at the rate of twelve per centum per annum, for a period not exceeding ten years, and to execute to said company by its corporate name, bonds, mortgages, or notes for such stock, which shall be available for the use and benefit of said company and for all subsequent holders thereof, and be transferable by them or any of them, in the same manner as if the same were made payable to individuals or to their orders or assigns.

Penalty for damage to road.

SEC. 13. If any person shall willfully or knowingly destruct, break, injure, or destroy the said road to be constructed by said company, or any part thereof, or any work, building, or fixtures attached to or in use upon the same belonging to said company, such person or persons so offending, shall each of them, for every such offence, be liable to a civil suit for the recovery of damages by said company by an action of trespass, in any court having com-

tent jurisdiction in the county where the offence shall have been committed, and shall also be subject to indictment, and upon conviction, shall be punished by fine and imprisonment, or either, at the discretion of the court.

Penalty for injury to road.

Sec. 14. Any person who shall willfuly break down any gate on such road which may have been erected in pursuance of this act, or do any damage to said road, or forcibly or fraudulently pass any such gate without having paid the legal toll, or to avoid the payment of the legal toll, shall with his team, carriage, or animal turn out of said road or pass any gate thereon, on ground adjacent hereto, and again return on said road, shall for each offense forfeit a sum not exceeding ten dollars, to and for the use of said company, and also for all damages done to the profits of said company in an action of trespass.

May increase capital stock.

Sec. 15. The directors of said company at any annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, may provide for such increase of the capital stock of said company as may be found necessary to complete said road, in such sections as may have been actually commenced but remain in an unfinished state for want of means for completing the same.

How charter forfeited.

Sec. 16. If said corporation should not within seven years from the passage of this act commence the construction of said plank road and expend three thousand dollars more thereon, and shall not within twelve years from the passage of this act construct, finish, and put in operation a single or double track of plank or gravel road between the places aforementioned, then the rights, privileges, and powers of the said corporation under this act, shall be null and void.

Public act.

Sec. 17. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state, shall be received as evidence thereof.

Sec. 18. This act may be altered or amended by any future legislature of the state of Wisconsin.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 19, 1852.
LEONARD J. FARWELL.

[*Published June 15, 1852*]

Chap 486 An Act to authorize the construction of a bridge across the Fox River at Eureka, Winnebago county

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

May build bridge

SECTION 1. That Russell Crary, Chester Gilman, and Edward Noble, and their associates and assigns, shall have power to build and maintain a bridge across the Fox River on any land owned by them at Eureka, in Winnebago county.

How constructed.

SEC. 2. Said bridge shall not be less than twelve feet wide, and shall be constructed with a draw over the channel of the river, not less than eighty feet wide, which shall be opened at all times for the passage of boats, rafts, or other craft, free of charge and without unnecessary delay.

When built.

SEC. 3. Said bridge shall be commenced within one year and completed within three years.

SEC. 4. The legislature may at any time amend or repeal this act.

Rates of toll.

SEC. 5. The said grantees shall after the completion of said bridge have power to demand and collect tolls for passing over the same, as follows: for any vehicle drawn by one horse, ten cents; for any vehicle drawn by two horses or oxen, twenty cents; and for each additional animal, five cents; and for all animals in droves, three cents each; *Provided*, That hogs and sheep shall not be charged higher than at the rate of ten cents per score.

Proviso.

SEC. 6. There shall be kept posted up in some conspicuous place on said bridge, the rates of toll allowed by this act.

Rates to be posted up.

SEC. 7. This act shall be in force from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved, April 19, 1852.
LEONARD J. FARWELL.

[*Published June 9, 1852*

Chap 487 An Act to amend an act entitled "an act to incorporate the LaCrosse and Milwaukee Rail Road Company," approved April 2d, 1852

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Part of act repealed.

SECTION 1. Section seventeen of an act entitled "an act to incorporate the LaCrosse and Milwaukee Rail Road Company," approved April 2d, 1852, and so much of sec

tion nineteen of said act as purports to repeal the acts and parts of acts conflicting with the provisions of said act or with the rights, privileges, and franchises thereby created, are hereby repealed.

Further repealed

Sec. 2. So much of section eight of the act to which this act is amendatory as authorizes the said LaCrosse and Milwaukee Rail Road Company to construct any branch rail road or rail roads, be and the same is hereby repealed.

Further repealed

Sec. 3. Section twelve of the act to which this act is amendatory, is hereby repealed: *Provided*, That so much of said section as grants to the LaCrosse and Milwaukee Rail Road Company the right of way through lands belonging to the state of Wisconsin, is not repealed by this act.

Acts revived.

Sec. 4. All acts and parts of acts, and all charters granted to other rail road companies which purport to be repealed by the said act to which this act is amendatory, are hereby revived, restored, and declared to be in full force the same as if the said act to which this is amendatory had not become a law.

Sec. 2. This act shall take effect and be in force from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 19, 1852.
LEONARD J. FARWELL.

[*Published June 29, 1852.*]

An Act to vacate a part of a Territorial road in Green county, and to legalize a road laid out by the town board of supervisors of the town of Monroe in said county.

Chap 488

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Road vacated.

Section 1. That so much of the old territorial roads running north-westerly from Monroe village, as run across the corner of section thirty-four, in town two north, range seven east, be and are hereby vacated, and said roads are hereby declared to be established on the route of the alteration made by the town board of the town of Monroe, on the 4th of October, 1850.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 19, 1852.
LEONARD J. FARWELL.

[*Published, June 24, 1852.*]

Chap. 489 An Act to incorporate the Port Washington and Newburg Plank and Turnpike Road Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners. SECTION 1. Harvey Moore, William Porter, Orman Coe, William Pain, Lyon Silverman, be and they are hereby appointed commissioners, under the direction of a majority of whom, subscriptions may be received to the capital stock of the Port Washington and Newburg Plank and Turnpike Road Company, hereby incorporated, and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days' notice of the times and places of taking such subscriptions, by publishing the same in a newspaper printed in Washington county.

SEC. 2. The capital stock of said company shall be twelve thousand dollars in shares of twenty dollars each, and as soon as two hundred shares of the capital stock Capital stock. shall be subscribed, and five per cent. of the amount thereof actually paid in or secured to the said company, the subscribers to said stock with such other persons as shall thereafter associate with them for that purpose, their successors and assigns shall be, and they are hereby created and declared a body corporate and politic, by the name and style of the "Port Washington and Newburg Plank and Turnpike Road Company," with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, bargaining, and conveying estate, real, personal, and mixed, and in their corporate name may sue and be sued, may have a common seal, which they may alter or renew at pleasure, and generally may do all and singular the matters and things which an incorporated company may by law do.

SEC. 3. The said commissioners, or a majority of them, after five hundred shares of stock shall have been sub- To call meeting. scribed as aforesaid, shall give at least twenty days' notice in one or more of the newspapers of the said county of Washington, of the time and place of the meeting of the stockholders for the purpose of electing five directors, who shall hold their offices until their successors are elected and annually thereafter upon the anniversary of the first election, upon notice of the place of meeting being given by the directors, then in being, published in one or more of the newspapers in the county aforesaid, to be designated by the said directors, the said stockholders shall

to elect directors: *Provided*, That until the first election of directors, the said commissioners above named, upon the subscription of two hundred shares of stock, and the organizing of said commissioners by the election by them of one of their number president, shall have all the powers and perform all the duties of a board of directors for said company, and the corporate existence of said company shall be taken and held to have begun and be completed as if a regular election of directors had taken place; and in case of a vacancy at any time happening in the board of directors, or in said board of commissioners acting in the capacity of directors, the board shall have power to fill such vacancy. Proviso.

Sec. 4. The affairs of said company shall be managed by the said directors, who shall be stockholders, and be chosen by ballot by the stockholders in person, or by their proxies duly authorized, and in all elections, and in the discussion of all questions acted upon at any meeting of stockholders, each share of stock shall be entitled to one vote, and the majority of the votes cast shall govern, except in elections where the five persons having the greatest number of the votes cast for directors shall be declared duly elected. Board of directors.

Sec. 5. A majority of the said directors shall form a quorum for the transaction of all business, and shall organize by choosing one of their number president, and they shall have power to appoint a secretary and treasurer, and such other officers and agents as they shall deem fit, and fix their compensation, and may demand adequate security for the performance of their respective trusts, and may remove said officers, and revoke the powers of said agents at pleasure; they shall also have power to make all necessary and proper by-laws, rules, and regulations for the management of said company, the subscription of stock, the payment of installments thereon, the assignment and transfer of stock certificates, and prescribing the duties of officers; all of which by-laws not inconsistent with the constitution and laws of the state when duly recorded in the books of the company, shall be effectual and binding upon the members of said company, and all persons interested therein, as if the same formed a part of the act of incorporation. Powers of directors.

6. The said board of directors shall also have power to decide the time and manner in which stockholders shall pay installments upon their stock, and to declare the forfeiture of said stock and all prior payments thereon for failure to pay such installments as may be called for, and May declare stock forfeited.

also to accept in behalf of the company a relinquishment of any stock subscribed, and execute to the person or persons relinquishing the same, valid releases, discharging them from all liabilities thereafter, for or on account of the acts of said company or its officers.

To issue certificates.

Sec. 7. The said directors shall have power to regulate tolls, and to make such covenants and contracts in the name and under the seal of said company, with any person or persons as the execution or management of the work and the interest and convenience of the company may require, and may issue to each stockholder a certificate or certificates for the shares which he or they shall subscribe for, stating in the body of such certificate or certificates the amount paid on such share at the time of issuing such certificate or certificates; which certificate or certificates shall be signed by the president and countersigned by the secretary of said company, and which certificate or certificates shall be transferable in the manner prescribed by the by-laws of said company.

Route of road.

Sec. 8. The said company shall have power to locate and construct a single or double track road from the village of Port Washington, in the county of Washington, to the village of Newburg by the way of the village of Saukville in said county, as shall be determined upon by a vote of the stockholders holding a majority of the stock of said company who shall be represented in person or by proxy at a special meeting called for (*that*) [the] purpose of determining the location of said road. The track of said road to be constructed of plank, gravel, and coal, or either in whole or part, each at the option of the directors, and the same when completed shall constitute a firm, regular and proper surface for the (*purpose*) [passage] of wagons and carriages.

May enter upon lands.

Sec. 9. It shall and may be lawful for said company, their officers, engineers, and agents, to enter upon such lands for the purpose of exploring, surveying, and laying the route of said plank road, doing thereto no unnecessary damage, and when said route shall be determined by said company, it shall be lawful for them, their agents, engineers, contractors, and servants, at any time to enter upon, take possession of, and use such lands, not exceeding four rods in width along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as will be ascertained in the manner hereinafter directed: *Provided*, that in such places as may be necessary for the company to obtain gravel and stone, or to make excavations and

ments for the construction of said road, the company may locate the route of said road, not to exceed six rods in width, and they may also cut down such trees, on each side of said road, as may endanger said road by falling or otherwise.

Sec. 10. When said company shall not agree with the owner or owners of any land, gravel, stone, or other material required for the construction of said road for the purpose thereof, or for the compensation to be paid therefor, or when by reason of the absence or legal incapacity of the owner or owners, no such agreement or purchase can be made, then and in any such case, it shall be lawful for any justice of the peace to issue a warrant directed to the sheriff or any constable of the county in which the land, gravel, stone, or other material is situated, not directly interested, requiring him to summon a jury of nine freeholders of his said county, not interested in said property, to meet the said justice at some convenient place at or near the property to be valued, on a day in said warrant named, not less than five nor more than ten days from the date of said warrant; and if at the time and place named any of the persons so summoned do not attend, the said sheriff or constable, shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a panel of nine jurors, and from them the said company and the owner or owners of the property to be valued, their agent or attorney, or either of them, and if they are not present in person or by attorney, the sheriff, or constable, shall for him, her, or them, strike off each two of said jurors, and the remaining five shall act as a jury of inquest of damages. Before they act as such, the said justice of the peace shall administer to each of them an oath or affirmation that they will faithfully and impartially value the land and material required for such road, and all damages which the owner or owners shall sustain by reason of the construction of said road, according to the best of his skill and judgment; whereupon the said justice and the jurors shall proceed to view the said land or material so required and to hear the evidence of the respective parties, which the said justice shall reduce to writing, which shall be signed by the said justice, and the verdict of the jurors thereon shall be signed by the jurors, or a majority of them, and by the justice of the peace; and the said justice of the peace shall within five days thereafter transmit the same to the clerk of the circuit court of the proper county, who shall file the same. Such inquisition shall describe the property taken, or to be

How damages settled.

taken, or the boundaries of the land in question and the value thereof as aforesaid, and such valuation when paid, together with the costs of such inquisition, or tendered to the owner or owners, or deposited with the said court, shall entitle the said company to the estate and interest in the same thus valued, as if it had been conveyed by the owner or owners thereof, so long as the land thus valued and taken shall be used for the track of said plank road: *Provided*, That it shall not be lawful for any justice or jury of inquest to proceed in the valuation of any such property or material, in the absence of the owner or owners thereof, his, her, or their legal representatives, unless it be made to appear by affidavit that such owner or owners have had at least five days' notice of the time and place of meeting for the purpose of making such valuation, or unless it shall in like manner be shown that such owner or owners are under age or *non compos mentis*, such service of notice may be made upon the guardian or trustees under the same restrictions as in the case of owners, or if there be no guardian or trustee, the same shall be established by affidavit: *Provided*, That no such materials shall be taken if the jury shall decide that the same are essential to the owner or owners thereof: *Provided*, That any party conceiving himself aggrieved by any decision herein stated, may in every such case appeal from such decision to the circuit court of the county in which the property in question is situate, as in ordinary cases of appeal.

Proviso.

May construct road on highway.

Sec. 11. The directors shall have power in their discretion to construct said plank road along or upon any road or highway, now or hereafter to be laid out, opened, and established by the proper authorities, and of such width and in such manner as the said directors shall determine: *Provided*, They procure by agreement with the supervisors of any town the right to take and use any part of any public highway in such town for the construction of such proposed roads, and agree with such supervisors upon the amount of compensation and damages to be paid by such company to such supervisors therefor. Every such agreement with the supervisors shall be in writing, and shall be filed in the town clerk's office of the town, and such compensation and damages when paid to the supervisors, shall be expended by them in improving the highways of such town, and they may erect toll gates and exact toll from persons traveling on their road whenever three consecutive miles are finished, or when the whole road is completed, not exceeding two cents per mile for every vehicle, sled, sleigh or carriage drawn by two animals, and if drawn by more

Proviso.

Rates of toll.

one cent per mile for every additional an-
ed, sleigh, or carriage drawn by one ani-
mile; and for every horse and rider or led
per mile; for one score of sheep or swine,
; and for every score of neat cattle, four Proviso.
Provided, That persons going to and from
at which they are required by law to at-
s going to or returning from funerals, shall
toll. The toll gatherer at each gate, when
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paid the legal toll, or to avoid the payment of the legal toll, shall with his team, carriage, or animal turn out of said road or pass any gate thereon, or ground adjacent thereto, and again return on said road, shall for each offense forfeit a sum not exceeding ten dollars, to and for the use of said company, and also be liable for all damages done to the profits of said company in an action of trespass.

May increase capital stock.

SEC. 15. The directors of said company at any annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, may provide for such increase of the capital stock of said company as may be found necessary to complete said road, in such sections as may have been actually commenced but remain in an unfinished state for want of means for completing the same.

To exhibit statement.

SEC. 16. At each annual meeting of the stockholders for the purpose of choosing directors, the directors of the preceding year shall exhibit to the meeting a complete statement of the affairs and proceedings of the company for such year, and special meetings of the stockholders may be called by the directors or by any number of stockholders holding one-fourth in amount in capital stock of the company, by giving twenty days' notice of the time and place of such meeting in a newspaper published in either of the counties through which said road is run. The road shall be completed from Port Washington to the village of Saukville, within two years from the publication of this act. The further extent of this road from Saukville to Newburg, shall be completed within four years from the publication of this act.

Public act.

SEC. 17. This act is hereby declared to be a public act, and copies thereof printed by authority of the state, shall be received as evidence thereof.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, April 19, 1852.
LEONARD J. FARWELL.

[*Published July* 20, 1852.]

An Act to provide for the appointment of commissioners to select and appraise school lands. **Chap 490**

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. The governor is hereby authorized and empowered to appoint from one to three commissioners to select and appraise whatever may remain to be selected of the five hundred thousand acres of land granted to this state by act of Congress, approved Sept. 4th, 1841. Governor to appoint commissioners.

SEC. 2. The said commissioners so appointed, shall, before entering upon the duties required of them by this act, take and subscribe an oath of office as required in section twenty-eight, of article four, of the constitution, before some person authorized to administer oaths, and transmit the same to the governor, who shall cause the same to be filed in the office of the secretary of state. To take oath.

SEC. 3. Said commissioners shall act under the direction of the governor in making selections of said lands, and shall make monthly returns of such lands selected by them to the governor, they shall also make returns to the land offices of the district in which any lands selected by them are situated, as soon after such selection as may be practicable. To make return.

SEC. 4. Said commissioners, in appraising said lands, shall be governed by the provisions of sections four and five of an act of the legislature entitled "an act providing for the appraisal and subdivisions of the school and university lands," approved August 12th, 1848. How appraisers governed.

SEC. 5. The said commissioners shall each receive three dollars for each and every day actually and necessarily spent in performing the duties required by this act, and they shall certify under oath the number of days so spent by them. Compensation.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved, April 19, 1852.
LEONARD J. FARWELL.

[*Published June 24, 1852.*]

Chap 491 An Act to incorporate the Primitive Methodist Conference of the State of Wisconsin.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Created a body corporate.

SECTION 1. That all persons who now are or who may hereafter become members of the Primitive Methodist Conference of this state, shall be, and they are hereby declared to be a body politic and corporate by and under the name and style of "The Primitive Methodist Conference of the State of Wisconsin," and by that name and style, they and their successors shall be known in law, and shall be capable of suing and being sued, of pleading and being impleaded, answering and being answered unto in all causes, suits, or proceedings in any of the courts of law or equity in this state, and by the corporate name aforesaid, they are hereby empowered to acquire by purchase, gift, devise, or otherwise, and to hold, enjoy, or convey any real, personal, and mixed property which may be by them deemed necessary and expedient in furtherance of the objects and interests of said Conference: *Provided, however*, That the amount of the property so acquired, held, and enjoyed, shall not exceed in value the sum of ten thousand dollars.

Proviso.

May make by-laws.

SEC. 2. The said Conference shall have full power and authority to make and provide such by-laws, rules, ordinances, and regulations, and to alter, amend, or repeal the same at such times and in such manner as may be deemed proper and necessary in order to promote the interests, proceedings, and affairs of said Conference: *Provided*, That such by-laws, rules, ordinances, and regulations shall not be in violation of the constitution and laws of this state or of the United States.

Proviso.

Where meetings held.

SEC. 3. The said Conference may hold its meetings at such times and places within this state as may be chosen and designated from time to time by the members thereof, according to the rules and by-laws of said Conference.

Public act.

SEC. 4. This act is hereby declared to be a public act, and the same may be altered, amended, or repealed by the legislature at any future session.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, April 19, 1852.
LEONARD J. FARWELL.

[*Published June 9, 1852.*]

An Act to provide for the registration of Marriages, Births, and Deaths **Chap 492**

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Register to be supplied with books.

Section 1. That from and after the first day of June next, each register of deeds in the several counties in this state shall be supplied with separate books in which he shall register in the manner hereinafter directed, the marriages which may have been contracted, and the births and deaths which may have occurred within his county.

Clergyman, &c to make record of marriage.

Sec. 2. It shall be the duty of every clergyman, justice of the peace, clerk, and of every other person or society, by or before whom any marriage may hereafter be solemnized or contracted to make at once a record of the same in a book to be kept for the purpose, and within thirty days after such marriage to return the same in the form of a certificate duly signed by the person so certifying, to the register of the county in which such marriage shall have been solemnized or contracted, which said record and certificate shall set forth as far as the same can be ascertained, the full name of the husband, his occupation, and the name of his place of birth and residence, the full name of the wife previous to the said marriage, the names of the parents of said husband, and of the parents of said wife, also the color of the parties, and the time, place where, and ceremony by which such marriage was contracted, and if pronounced by any clergyman or other person as aforesaid, the place of residence of such person.

Physician to report births.

Sec. 3. It shall be the duty of every physician, under whose care a birth shall hereafter take place, to make at once a record of such birth in a book to be kept for the purpose, and to return the same duly signed by him, or in the form of a certificate to the register of deeds of the county in which such birth shall have taken place, in the manner and within the period directed by the second section of this act, which said record and certificate shall set forth as far as the same can be ascertained, the full name of such child, if any name should have been conferred, its sex, color, names of any other child or children living, the full name as well as the occupation of its parents, and for better identification, the full name previously to marriage of the mother of such child, the day, hour, and place in and at which such birth occurred. In case such birth shall have occurred without the superintendence of any person, and should no physician or other person be in attendance upon the parent immediately thereafter, it shall then become the duty of the parent or parents of such child to

return the same to the register in the manner, form, and within the period above required.

Physician to return certificate of death.

Sec. 4. Every physician or surgeon who shall hereafter be in attendance at the period of the death of any individual, dying within the state, shall make at once a record of such death in a book to be kept by him for that purpose, and shall return the same, duly signed, in the form of a certificate to the register of the county in which such individual may have resided at the time of death in the manner and within the period directed in the second section of this act, which record and certificate shall set forth so far as the same can be ascertained, the full name, sex, and color of the person deceased, and his or her age, and also the name of his or her parents, the occupation, place of birth, the period, place, and disease or cause of death, and if within his knowledge, the name of the burial ground in which interred, and if married at the time of death, the name of the husband or wife, as the case may be. All certificates or returns required by this act shall be signed by the parties so certifying.

Prior marriages, &c. may be registered.

Sec. 5. This act shall not be construed to prevent the registry of any marriage contracted, or birth or death happening previously to its passage, within the limits of this state, nor of the marriage, birth, or death of any person or persons who may have married, been born, or may have died elsewhere, but who were the child or children of citizens of this state, nor of any marriage contracted previously or subsequently to the passage of this act, in any other part of these United States or their territories, or beyond the limits of the same: *Provided*, Either of the parties married were permanently residing in this state at the time, or at some time previously or subsequently to such marriage; such registrations shall be in the form already prescribed, and shall be kept apart from the current registrations, and in separate books, as is already required in the case of other registrations, but shall be embraced in the general index. The proof of every such marriage shall be as follows, to wit: in the case of a marriage, by the person who pronounced it, or if such proof cannot be made, then it shall be made by some one who was present thereat; in the case of a birth, by some one who has actual knowledge of the period at which such person was born, or of his or her parentage; and in the case of a death, by some one who actually saw such person dead, or who has actual knowledge of the fact. Such proof shall be under oath or affirmation, and shall be in its character satisfactory to the register: *Provided fur-*

Proviso.

ther, That should any person feel aggrieved at the decision of the register aforesaid, he or she, as the case may be, the next friend, or the representative of the person on whose behalf such application is made, shall have the right of an appeal to the circuit court of the proper county, in which case the testimony so taken shall be sent up with the appeal to the said court, by the said register, accompanied by a written statement of his reasons for rejecting it as insufficient.

Copy of registry to be evidence.

Sec. 6. The said book or registers, or a certificate duly certified by the register and authenticated by his seal of office, as containing a full copy of the record of any marriage, birth, or death, shall hereafter be admitted in any court of this state as *prima facie* proof of any marriage, birth, or death: *Provided, however*, That should no such registration exist, the proof of any marriage, birth, or death, shall be sufficient, if made in the manner now or hereafter required under the decisions of the supreme court of this state.

Proviso.

Penalty for neglect.

Sec. 7. If any register shall not within fourteen days after an application made to him to register any marriage, birth, or death as aforesaid, register in the proper form and book any such marriage, birth, or death as the same shall be certified to him, unless he has sufficient cause, he shall forfeit and pay the sum of ten dollars, to be recovered as debts of the same amount are recoverable by any person who may sue for the same; the person aggrieved shall have the right of appeal; and all certificates of marriages, births, and deaths duly returned, shall be preserved and filed with the register.

Penalty for returning false certificate.

Sec. 8. If any person shall willfully, knowingly, and falsely swear or affirm to, or return any such certificate of such marriage, birth, or death, or if any register shall willfully and knowingly make or cause to be made in the said books, a false entry of such marriage, birth, or death, the said person or register so offending shall be punished by fine or imprisonment, or both, at the discretion of the court having the cognizance of such offences, the fine not to exceed eight hundred dollars, and the imprisonment not to exceed seven years.

Separate books.

Sec. 9. The register of marriages, births, and deaths shall be kept in separate books. There shall be general indexes to the records of all marriages, births, and deaths, which indexes respectively shall be kept in separate books. Opposite to each name in the said index shall be affixed not only the reference to the record, but the day of the

Chap. 489 An Act to incorporate the Port Washington and Newburg Plank and Turnpike Road Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners. SECTION 1. Harvey Moore, William Porter, Orman Coe, William Pain, Lyon Silverman, be and they are hereby appointed commissioners, under the direction of a majority of whom, subscriptions may be received to the capital stock of the Port Washington and Newburg Plank and Turnpike Road Company, hereby incorporated, and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days' notice of the times and places of taking such subscriptions, by publishing the same in a newspaper printed in Washington county.

Capital stock. SEC. 2. The capital stock of said company shall be twelve thousand dollars in shares of twenty dollars each, and as soon as two hundred shares of the capital stock shall be subscribed, and five per cent. of the amount thereof actually paid in or secured to the said company, the subscribers to said stock with such other persons as shall thereafter associate with them for that purpose, their successors and assigns shall be, and they are hereby created and declared a body corporate and politic, by the name and style of the "Port Washington and Newburg Plank and Turnpike Road Company," with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, bargaining, and conveying estate, real, personal, and mixed, and in their corporate name may sue and be sued, may have a common seal, which they may alter or renew at pleasure, and generally may do all and singular the matters and things which an incorporated company may by law do.

To call meeting. SEC. 3. The said commissioners, or a majority of them, after five hundred shares of stock shall have been subscribed as aforesaid, shall give at least twenty days' notice in one or more of the newspapers of the said county of Washington, of the time and place of the meeting of the stockholders for the purpose of electing five directors, who shall hold their offices until their successors are elected, and annually thereafter upon the anniversary of the first election, upon notice of the place of meeting being given by the directors, then in being, published in one or more of the newspapers in the county aforesaid, to be designated by the said directors, the said stockholders shall me-

10. Name of physician or other person signing the certificate, or on whose application registry is made.
11. Residence of such person.
12. Date of certificate.
13. Date of registration.
14. Any additional circumstances.

The titles in the books for registering deaths, in the following words and order, to wit: For deaths.

1. Full name of deceased.
2. Color.
3. Sex.
4. Age.
5. Name of the father of deceased.
6. Name of the mother of deceased.
7. Occupation.
8. Place of birth.
9. Name of wife of deceased.
10. Name of husband of deceased.
11. Date of birth and date of death.
12. Cause of death.
13. Name of the place, town or township and county in hich the person died.
14. Name and location of burial ground in which inrred.
15. Name of person returning certificate.
16. Residence of such person.
17. Date of certificate.
18. Date of registration.

At the bottom of each page in each of said books, there all be kept a blank for the registry of any fact, which y act or acts of the legislature hereafter enacted may uire, shall be registered, and all interlineations shall at e time be notified by the register.

Sec. 11. The said register, with the exceptions herein- er named, shall receive, provided he comply with the ovisions of this act, for registering any marriage, birth, death, the sum of ten cents, which shall be paid to him his demand, by the treasurer of the proper county, ex- ot for registering any marriage contracted or birth or ath happening previously to the year one thousand eight ndred and fifty-two in which case he shall receive twen- ive cents, to be paid by the party; for examining eye- witness in which the testimony is reduced to writing l at length, twenty-five cents; for sending up the re- Fees for registration.

cord on an appeal, fifty cents; for granting a certified copy of the full record of any marriage, birth, or death, fifty cents, which shall also be paid to him by the party. He shall make no charges for administering an oath or affirmation, nor demand a fee from any person so registering. All emoluments arising from the registration, except the amount paid by the several counties to the registers, which shall exceed the sum of one hundred dollars in any one year, shall be paid into the state treasury. In order the more effectually to guard against injury from the loss by fire or otherwise of the records of any county, and for other purposes, it shall be the duty of each register (under penalty of twenty dollars for every neglect, recoverable as aforesaid,) in each of the counties, semi-annually, between the fifteenth and twentieth days of January and July in each year, to transmit a copy of the record of marriages, births, and deaths, before specified, with a copy of the index, fully certified by him to the secretary of state, who shall file the same in his office, and annually transmit to the legislature an abstract of the number of marriages, births, and deaths, which have occurred in each county in the state during each year next preceding the first day of January, and for which purpose the said secretary shall furnish, at the cost of the state, each of the said registers with proper blanks, prepared in the form required by the thirteenth section of this act: and shall also furnish to each of said registers, at the cost of the state, the blank books and indexes required by the first or any other section of this act; and shall also, at the same time, transmit a printed copy of this act, which shall be bound with said blank books, and such instructions on the subject of the law as he may see fit to prepare, and generally, to do whatever may be required to carry into effect the provisions of this act.

Clergymen, &c. give notice of residence.

Sec. 12. Every clergyman, justice of the peace, physician, or any other person whose duty it is to make any return under this act, shall, on or before the first day of October next, return his name and residence to the register of the county in which he may reside, who shall record said return in a book to be kept for the purpose, to be provided at the expense of the county, and such person shall notify the register of his removal to any other place in or out of the said county within thirty days after such removal, except where he may cease to act in a professional or official capacity.

Sec. 13. The register of deeds is hereby authorized to administer oaths according to the requirements of this act

Sec. 14. All acts or parts of acts inconsistent herewith or supplied as aforesaid, are hereby repealed.

J. McM. SHAFTER.
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 19, 1852.
LEONARD J. FARWELL.

[*Published, May* 26, 1852.]

An Act to provide for the re-appraisal of the University Lands.

Chap 493

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. There shall be appointed by the governor, as soon as practicable after the passage of this act, one person as commissioner for the re-appraisal of university lands. Commissioners to be appointed.

Sec. 2. Such appraiser shall be required to make oath or affirmation to be administered by some competent officer to discharge faithfully and impartially the duties devolving upon him under the provisions of this act. Oath of office.

Sec. 3. The secretary of state shall furnish for the use of such appraiser plats and description of the university sections, with their subdivisions, and valuation of the same under the former appraisal. To furnish plats

Sec. 4. It shall be the duty of the appraisers aforesaid to to make full examination of all the sections and parts of sections of university lands remaining unsold at the date of his appointment, to appraise the same at a fair valuation, which appraisal shall not be less than three dollars per acre, and to make full and complete returns of said appraisal to the secretary of state on or before the first day of July, 1852. Appraisers to examine lands.

Sec. 5. The appraiser aforesaid shall be allowed for his service at the rate of two dollars per day for each day of actual service; his accounts to be verified by affidavit, audited by the secretary of the state and paid out of the treasury, and upon sale of any tract of University land, the expenses of the appraisal of such tract shall be collected of the purchasers and paid into the treasury. Compensation.

Sec. 6. From and after the first day of July aforesaid the value as fixed by appraisal under the provisions of this act shall be taken and deemed to be the minimum price of each section and part of section of University and remaning unsold, and the same shall be open to private entry and sale at said price, under the same terms and Minimum price

taken, or the boundaries of the land in question and the value thereof as aforesaid, and such valuation when paid, together with the costs of such inquisition, or tendered to the owner or owners, or deposited with the said court, shall entitle the said company to the estate and interest in the same thus valued, as if it had been conveyed by the owner or owners thereof, so long as the land thus valued and taken shall be used for the track of said plank road: *Provided*, That it shall not be lawful for any justice or jury of inquest to proceed in the valuation of any such property or material, in the absence of the owner or owners thereof, his, her, or their legal representatives, unless it be made to appear by affidavit that such owner or owners have had at least five days' notice of the time and place of meeting for the purpose of making such valuation, or unless it shall in like manner be shown that such owner or owners are under age or *non compos mentis*, such service of notice may be made upon the guardian or trustees under the same restrictions as in the case of owners, or if there be no guardian or trustee, the same shall be established by affidavit: *Provided*, That no such materials shall be taken if the jury shall decide that the same are essential to the owner or owners thereof: *Provided*, That any party conceiving himself aggrieved by any decision herein stated, may in every such case appeal from such decision to the circuit court of the county in which the property in question is situate, as in ordinary cases of appeal.

Proviso.

May construct road on highway.

Sec. 11. The directors shall have power in their discretion to construct said plank road along or upon any road or highway, now or hereafter to be laid out, opened, and established by the proper authorities, and of such width and in such manner as the said directors shall determine: *Provided*, They procure by agreement with the supervisors of any town the right to take and use any part of any public highway in such town for the construction of such proposed roads, and agree with such supervisors upon the amount of compensation and damages to be paid by such company to such supervisors therefor. Every such agreement with the supervisors shall be in writing, and shall be filed in the town clerk's office of the town, and such compensation and damages when paid to the supervisors, shall be expended by them in improving the highways of such town; and they may erect toll gates and exact toll from persons traveling on their road whenever three consecutive miles are finished, or when the whole road is completed, not exceeding two cents per mile for every vehicle, sled, sleigh, or carriage drawn by two animals, and if drawn by more

Proviso.

Rates of toll.

of any such lands, and pay the money so received into the treasury of this state.

Sec. 4. It shall be the duty of the governor to ascertain and select all the swamp and overflowed lands granted to this state by act aforesaid, already surveyed and not heretofore selected and approved by the authorities of the United States, or as may be hereafter surveyed from time to time, and cause entries thereof to be made in the name of the state of Wisconsin at the proper land offices of the United States, and to procure suitable books for the state, and to cause to be recorded therein descriptive lists of all the subdivisions of said lands, to procure copies of all such township plats of the United States surveys of lands in this state, as he may deem necessary for the use of the state in carrying into effect all the provisions of this act. To select lands.

Sec. 5. It shall be the duty of the governor to cause to be marked on such township plats or on a sectional map of the state which he is authorized to procure for that purpore, all the lands belonging to this state by virtue of said grants. Lands to be marked.

Sec. 6 . There is hereby appropriated, out of any money in the treasury not otherwise appropriated, the sum of three thousand dollars, to be drawn from the treasury on the warrants of the governor as may be necssary to defray the expenses of carrying into effect the provisions and purposes of this act: *Provided*, The expenses of such surveys and expenses shall be re-imbursed to the treasury out of the first sales of such lands. Money appropriated.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 19, 1852.
LEONARD J. FARWELL.

[*Published April* 29, 1852.

An Act to provide for the laying out of a certain State Road therein named.

Chap 495

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. Alvin Foster, Narcissa M. Juneau, and Mr. Statchinson, be and they are hereby appointed commissioners to lay out and establish a state road from the village of Juneau, in the county of Dodge, through the village of Horicon, Mayville, Theresa, Cranchville, Cascade, to the village of Sheboygan, in the county of Sheboygan: Commissioners.

paid the legal toll, or to avoid the payment of the legal toll, shall with his team, carriage, or animal turn out of said road or pass any gate thereon, or ground adjacent thereto, and again return on said road, shall for each offense forfeit a sum not exceeding ten dollars, to and for the use of said company, and also be liable for all damages done to the profits of said company in an action of trespass.

May increase capital stock.

Sec. 15. The directors of said company at any annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, may provide for such increase of the capital stock of said company as may be found necessary to complete said road, in such sections as may have been actually commenced but remain in an unfinished state for want of means for completing the same.

To exhibit statement.

Sec. 16. At each annual meeting of the stockholders for the purpose of choosing directors, the directors of the preceding year shall exhibit to the meeting a complete statement of the affairs and proceedings of the company for such year, and special meetings of the stockholders may be called by the directors or by any number of stockholders holding one-fourth in amount in capital stock of the company, by giving twenty days' notice of the time and place of such meeting in a newspaper published in either of the counties through which said road is run. The road shall be completed from Port Washington to the village of Saukville, within two years from the publication of this act. The further extent of this road from Saukville to Newburg, shall be completed within four years from the publication of this act.

Public act.

Sec. 17. This act is hereby declared to be a public act, and copies thereof printed by authority of the state, shall be received as evidence thereof.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 19, 1852.
LEONARD J. FARWELL.

[*Published July* 20, 1852.]

Sec. 6. This act shall take effect from and after its passage.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 19, 1852.
LEONARD J. FARWELL.
[*Published, June* 27, 1852]

An Act authorizing the Judge of the County Court of St. Croix County, sitting in Probate to perfect the Records of said Court.

Chap 497

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Section 1. The judge of the county court of the county of St. Croix, in this state, is hereby authorized and empowered to make and perfect the records and entries of all proceedings in the settlement of estates of deceased persons had before the late judge of the county court of said county, Hamlet H. Perkins, deceased, and to make and [perfect] all other entries and proceedings had before said Hamlet H. Perkins, sitting as judge of the probate court, as the truth of the facts may appear to be; and the records of all such entries and proceedings so made shall have the same force and effect and be as valid for all purposes as if such record had been made by the said Hamlet H. Perkins, judge as aforesaid.

Authorised to perfect records.

Sec. 2. This act shall take effect and be in force from and after its publication.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 19, 1852.
LEONARD J. FARWELL.
[*Published, June* 22, 1852.]

An Act to provide for the equalization of Taxes in this State

Chap 498

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Section 1. The governor, secretary of state, state treasurer, attorney general, and superintendent of public instruction shall be a board of equalization of the assessment of the several counties, and the state tax to be paid by them.

Board of Equalization.

The governor shall be *ex officio* president, and the secretary of state secretary of such board.

When to meet.

SEC. 2. The said board shall meet at the office of the governor, on the second Monday of February of each year and shall examine the aggregate valuation of the taxable property of the several counties of the state for the last preceding year, as returned to the secretary of state, and shall increase or diminish the same in any county so much per centum as may, in their opinion, be necessary to produce a just relation between the valuations of the taxable property in the state; and the amount so added or deducted in each case, shall be entered in a book to be kept for that purpose, and they shall carry out in such book the amount of state tax to be charged against each county, according to the said valuation so increased or diminished, and according to the percentage of state tax levied for the previous year. The said board shall, in no instance, reduce the aggregate valuation of all the counties below the aggregate valuation returned.

Additional tax to be charged to counties.

SEC. 3. It shall be the duty of the secretary of state to charge to the counties, the valuation of which is increased, the amount of additional state tax assessed against them respectively, and such counties shall be liable for the payment into the state treasury on the second Monday of February of the succeeding year for the amount so charged to the same, and the secretary of state shall notify the clerks of the boards of supervisors of such counties, before the annual session of such boards of supervisors, that such amounts have been charged against their counties, and it shall be the duty of the board of supervisors of every such county to levy in addition to the state tax for the current year an amount sufficient to pay the amount charged against such county for under assessments for the previous year.

Amount of tax diminished to be credited.

SEC. 4. It shall be the duty of the secretary of state to credit to the counties the valuation of which is diminished by the said board of equalization, the amount by which the state tax chargeable to such counties respectively shall be diminished, and to notify the clerk of the board of supervisors of such counties before the annual meeting of such board that such amounts have been credited to their respective counties.

J. MoM. SHAFTER,
Speaker of the Assembly.

E. B. DEAN, JR.
President pro tem. of the Senate.

Approved April 19, 1852.

LEONARD J. FARWELL.

[*Published June 9, 1852.*]

An Act to provide for the registration of Marriages, Births, and Deaths

Chap 492

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Register to be supplied with books.

Section 1. That from and after the first day of June next, each register of deeds in the several counties in this state shall be supplied with separate books in which he shall register in the manner hereinafter directed, the marriages which may have been contracted, and the births and deaths which may have occurred within his county.

Clergyman, &c to make record of marriage.

Sec. 2. It shall be the duty of every clergyman, justice of the peace, clerk, and of every other person or society, by or before whom any marriage may hereafter be solemnized or contracted to make at once a record of the same in a book to be kept for the purpose, and within thirty days after such marriage to return the same in the form of a certificate duly signed by the person so certifying, to the register of the county in which such marriage shall have been solemnized or contracted, which said record and certificate shall set forth as far as the same can be ascertained, the full name of the husband, his occupation, and the name of his place of birth and residence, the full name of the wife previous to the said marriage, the names of the parents of said husband, and of the parents of said wife, also the color of the parties, and the time, place where, and ceremony by which such marriage was contracted, and if pronounced by any clergyman or other person as aforesaid, the place of residence of such person.

Physician to report births.

Sec. 3. It shall be the duty of every physician, under whose care a birth shall hereafter take place, to make at once a record of such birth in a book to be kept for the purpose, and to return the same duly signed by him, or in the form of a certificate to the register of deeds of the county in which such birth shall have taken place, in the manner and within the period directed by the second section of this act, which said record and certificate shall set forth as far as the same can be ascertained, the full name of such child, if any name should have been conferred, its sex, color, names of any other child or children living, the full name as well as the occupation of its parents, and for better identification, the full name previously to marriage of the mother of such child, the day, hour, and place in and at which such birth occurred. In case such birth shall have occurred without the superintendence of any person, and should no physician or other person be in attendance upon the parent immediately thereafter, it shall then become the duty of the parent or parents of such child to

13th. The county of LaFayette shall constitute the thirteenth senate district.

14th. The county of Jefferson shall constitute the fourteenth senate district.

15th. The counties of Iowa and Richland shall constitute the fifteenth senate district.

16th. The county of Grant shall constitute the sixteenth senate district.

17th. The towns of Janesville, Rock, Fulton, Porter, Centre, Plymouth, Newark, Avon, Spring Valley, Magnolia, and Union, in the county of Rock, shall constitute the seventeenth senate district.

18th. The towns of Beloit, Turtle, Clinton, Bradford, LaPrairie, Harmony, Johnstown, Lima, and Milton, in the county of Rock, shall constitute the eighteenth senate district.

19th. The counties of Crawford, LaCrosse, Bad Ax, St. Croix, Chippewa, and LaPointe, shall constitute the nineteenth senate district.

20th. The county of Fond du Lac shall constitute the twentieth senate district.

21st. The county of Winnebago shall constitute the twenty-first senate district.

22d. The county of Dodge shall constitute the twenty-second senate district.

23d. The Counties of Marquette, Waushara, Sauk and Adams, shall constitute the twenty-third senate district.

24th. The county of Green shall constitute the twenty-fourth senate district.

25th. The county of Columbia shall constitute the twenty-fifth senate district.

Assembly districts Manitowoc county. The county of Manitowoc shall constitute an assembly district.

Calumet. The county of Calumet shall constitute an assembly district.

Sheboygan. Precincts numbered one, three, and seven in the county of Sheboygan, shall constitute an assembly district.

Precincts numbered two, four, five, and six, in the county of Sheboygan, shall constitute an assembly district.

Brown, Kewaunee, & Door The counties of Brown, Kewaunee, and Door shall constitute an assembly district.

Outagamie, Waupacca, and Oconto. The counties of Outagamie, Waupacca, and Oconto, shall constitute an assembly district.

Portage and Marathon The counties of Portage and Marathon shall constitute an assembly district.

The towns of Belgium, Fredonia, Saukville, and P[illegible]

Wasington, in the county of Washington, shall constitute an assembly district. Washington.

The towns of Cedarburg, Grafton, and Mequon, in the county of Washington, shall constitute an assembly district.

The towns of Erin, Richfield, Polk, Jackson, and Germantown, in the county of Washington, shall constitute an assembly district.

The towns of Hartford, Addison, Wayne, Kewaskum, Newark, West Bend, Trenton, and Farmington, in the county of Washington, shall constitute an assembly district.

The first ward in the city of Milwaukee shall constitute an assembly district. Milwaukee.

The second ward in the city of Milwaukee shall constitute an assembly district.

The third ward in the city of Milwaukee shall constitute an assembly district.

The fourth ward in the city of Milwaukee shall constitute an assembly district.

The fifth ward in the city of Milwaukee shall constitute an assembly district.

The towns of Franklin and Oak Creek, in the county of Milwaukee, shall constitute an assembly district.

The towns of Greenfield and Lake, in the county of Milwaukee, shall constitute an assembly district.

The town of Wauwatosa, in the county of Milwaukee, shall constitute an assembly district.

The towns of Milwaukee and Granville, [in the county of Milwaukee,] shall constitute an assembly district.

The city of Racine shall constitute an assembly district. Racine.

The towns of Racine, Mount Pleasant, and Caledonia, in the county of Racine, shall constitute an assembly district.

The towns of Yorkville, Dover, Raymond, and Norway, in the county of Racine, shall constitute an assembly district.

The towns of Burlington and Rochester, in the county of Racine, shall constitute an assembly district.

The city of Kenosha and the towns of Southport, Somers, and Pleasant Prairie, in the county of Kenosha, shall constitute an assembly district. Kenosha.

The towns of Paris, Bristol, Brighton, Salem, and Wheatland, in the county of Kenosha, shall constitute an assembly district.

The towns of Merton, Delafield, Summit, and Ocono-

Waukesha. mowoc, in the county of Waukesha, shall constitute an assembly district.

The towns of Pewaukee, Lisbon, Menominee, and Brookfield, in the county of Waukesha, shall constitute an assembly district.

The towns of Ottawa, Genessee, Mukwonego, and Eagle, in the county of Waukesha, shall constitute an assembly district.

The towns of Waukesha, Vernon, Muskego, and New Berlin, in the county of Waukesha, shall constitute an assembly district.

Dane. The towns of Dunkirk, Christiana, Pleasant Springs, and Albion, in the county of Dane, shall constitute an assembly district.

The towns of Cottage Grove, Deerfield, Sun Prairie, Medina, York, and Bristol, in the county of Dane, shall constitute an assembly district.

The towns of Verona, Montrose, Oregon, Greenfield, Dunn, and Rutland, in the county of Dane, shall constitute an assembly district.

The towns of Perry, Primrose, Blue Mounds, Springdale, Cross Plains, Middleton, Springfield, Berry, Black Earth, Roxbury, and Dane, in the county of Dane, shall constitute an assembly district.

The village and town of Madison, and the towns of Blooming Grove, Burk, Westport, Vienna, and Windsor, in the county of Dane, Shall constitute an assembly district.

LaFayette. The towns of White Oak Springs, Benton, and New Diggings, in the county of LaFayette, shall constitute an assembly district.

The towns of Shullsburg, Monticello, Gratiot, Wayne, and Wyota, in the county of LaFayette, shall constitute an assembly district.

The towns of Elk Grove, Belmont, Kendall, Centre, Willow Springs, Fayette, and Argyle, in the county of LaFayette, shall constitute an assembly district.

The town of Watertown, in the county of Jefferson shall constitute an assembly district.

Jefferson. The towns of Waterloo, Milford, Lake Mills, and Oakland, [in the county of Jefferson,] shall constitute an assembly district.

The towns of Jefferson and Koshkonong, [in the county of Jefferson,] shall constitute an assembly district.

The towns of Ixonia, Concord, Farmington, and Aztalan, [in the county of Jefferson,] shall constitute an assembly district.

The towns of Hebron, Sullivan, Cold Spring, and Pal-
ra, [in the county of Jefferson,] shall constitute an assem-
district.
The towns of Highland, Dodgeville, Ridgeway, Arena, Iowa.
oming, Pulaski, and Clyde, in the county of Iowa,
ll constitute an assembly district.
he towns of Mineral Point, Mifflin, Lyndon, and Wal-
ich, in the county of Iowa, shall constitute an assembly
rict.
he county of Richland shall constitute an assembly Richland.
rict.
he towns of Hazel Green, Jamestown, and Smeltzer, in
county of Grant, shall constitute an assembly district. Grant.
he towns of Potosi, Paris, and Harrington, in the coun-
f Grant, shall constitute an assembly district.
ie towns of Platteville, Lima, Clifton, Muscoda, and
gville, in the county of Grant, shall constitute an as-
ly district.
ie towns of Fennimore, Highland, and Lancaster, in
ounty of Grant, shall constitute an assembly district.
e towns of Waterloo, Beetown, Patch Grove, and
ville, in the county of Grant, shall constitute an assem-
istrict.
e counties of Bad Ax and Crawford shall constitute Bad Ax and Crawford.
sembly district.
e counties of La Crosse and Chippewa shall consti- La Crosse and Chippewa.
n assembly district.
e counties of St. Croix and La Pointe shall constitute St. Croix and La Pointe.
embly district.
towns of Whitewater, Richland, and La Grange, in Walworth.
unty of Walworth, shall constitute an assembly dis-

towns of Sugar Creek, La Fayette, and Troy, in the
of Walworth, shall constitute an assembly dis-

towns of East Troy and Spring Prairie, in the coun-
Walworth, shall constitute an assembly district.

towns of Elkhorn, Geneva, and Hudson, in the
of Walworth, shall constitute an assembly district.

towns of Delavan, Darien, and Sharon, in the coun-
Walworth, shall constitute an assembly district.

towns of Walworth, Lynn, and Bloomfield, in the
of Walworth, shall constitute an assembly district.

towns of Beloit, Turtle, and Clinton, in the county Rock.
k, shall constitute an assembly district.

towns of Milton, Harmony, Lima, Johnstown, Brad-

ford, and La Prairie, in the county of Rock, shall con
tute an assembly district.

The towns of Janesville, Rock, Centre, and Fulto
the county of Rock, shall constitute an assembly dis

The towns of Porter, Union, Magnolia, Spring Va
Plymouth, Newark, and Avon, in the county of R
shall constitute an assembly district.

Fond du Lac. The towns of Ceresco, Metomen, Alto, Waupun, Sp
Vale, and Rosendale, in the county of Fond du Lac,
constitute an assembly district.

The towns of Byron, Eden, Osceola, Ashford, and
burn, in the county of Fond du Lac, shall constitu
assembly district.

The towns of Eldorado, Lamartine, Oakfield, Fond
Lac, and Friendship, and the city of Fond du Lac, in
county of Fond du Lac, shall constitute an assembly
trict.

The towns of Calumet, Forrest, Taycheedah, K
and Empire, in the county of Fond du Lac, shall co
an assembly district.

Townships seventeen and eighteen, ranges fourte
Winnebago teen, sixteen, and seventeen, in the county of Winn
shall constitute an assembly district.

Townships nineteen and twenty, in ranges fourte
teen, sixteen, and seventeen, in Winnebago co
shall constitute an assembly district.

Dodge. The towns of Leroy, Lomira, Williamstown, and T
sa, in the county of Dodge, shall constitute an ass
district.

The towns of Hubbard, Hermon, Hustisford, and
con, in the county of Dodge, shall constitute an ass
district.

The towns of Emmett, Lebanon, and Ashippun,
county of Dodge, shall constitute an assembly distr

The towns of Elba, Lowell, Clyman, Portland,
Shields, in the county of Dodge, shall constitute an
bly district.

The towns of Fox Lake, Trenton, Westford, Cal
and Beaver Dam, [in the county of Dodge,] shall co
an assembly district.

The towns of Chester, Burnette, and Oak Grove,
county of Dodge, shall constitute an assembly distr

Marquette and Waushara. The towns of Berlin, Brooklyn, Pleasant Valley,
dleton, Mackford, Albany, and Green Lake, in the
of Marquette and the county of Waushara, shall con
an assembly district.

All of that portion of Marquette county being w

range line between ranges ten and eleven east, and the
ns of Marquette and Kingston, in the county of Mar-
tte, shall constitute an assembly district.
he counties of Sauk and Adams shall constitute an as- Sauk and Ad-
bly district. ams.
he county of Green shall constitute an assembly dis- Green.
t.
he towns of Fort Winnebago, Port Hope, Marcellon,
tt, Randolph, Portage Prairie, Spring Vale, and Wyo- Columbia.
n, in the county of Columbia, shall constitute an as-
bly district.
he towns of Columbus, Fountain Prairie, Hampden,
go, Leeds, Lowville, Lodi, Dekorra, West Point, and
donia, in the county of Columbia, shall constitute an
mbly district.

EC. 2. At the general election in November, A. D. Senators to be elected.
thousand eight hundred and fifty-two, there shall be
ted in the fourth, tenth, and eighteenth senate districts,
, as above described, a state senator, whose term of
e shall expire on the day preceding the first Monday
anuary, A. D. one thousand eight hundred and fifty-

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved, April 19, 1852.
LEONARD J. FARWELL.
[*Published, May* 5, 1852.]

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to amend section fifteen of chapter seventy of the Revised Statutes, and to extend the provisions of said section

Chap 500

e people of the State of Wisconsin, represented in te and Assembly, do enact as follows:

TION 1. Section fifteenth of chapter seventy of the Act amended.
d statutes is so amended as to authorize and allow
n to be commenced against executors and administra-
o perfect a lien of any mechanic and laborer for work
and for materials furnished by any brick maker,
layer, stone cutter, mason, lime merchant, carpenter,
er, glazier, iron monger, plasterer, lumber merchant,
o any person employed in erecting or repairing any
or other building.

SEC. 2. All laws now in force repugnant to the provi ions of this act, are hereby repealed.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, April 19, 1852.
LEONARD J. FARWELL.
[*Published, June* 15, 185

Chap 501

An Act to authorize John B. Seward to construct and maintain a dam.

The people of the State of Wisconsin represented i Senate and Assembly, do enact as follows:

Authorized to build dam.

SECTION 1. John B. Seward, his associates, successo and assigns, are hereby authorized to construct and mai tain a dam across Grand river on the north-east quarter the north-east quarter of section seven, township fou teen, range thirteen.

How act construed.

SEC. 2. This act shall not be so construed as to rele said Seward and his associates, their heirs and assi from any damage that any individuals may sustain the erection of said dam.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, April 19, 1852.
LEONARD J. FARWELL.
[*Published June* 22, 18

Chap 502

An Act to amend chapter eighty seven of the Revised Statutes.

The people of the State of Wisconsin, represented Senate and Assembly do enact as follows:

Clerk may adjourn court.

SECTION 1. Whenever it shall happen that at the fixed by law for holding any term of a court of record judge authorized to hold the same shall attend, the of said court shall adjourn the same from day to da not exceeding three days, until the arrival of the ju and on the third day at nine o'clock in the afternoon,

udge shall not have attended, the clerk shall make a final djournment of the court.

J. McM. SHAFTER.
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved April 19, 1852.
LEONARD J. FARWELL.

[*Published, June* 15, 1852.]

An Act for the quieting of Tax Titles.

Chap 503

The people of the State of Wisconsin represented in nate and Assembly, do enact as follows:

SECTION 1. When any deed of land hereafter executed any officers authorized by the laws of this state to exe- Of what tax deed to be evidence.
e deeds of lands sold for the non-payment of taxes shall tain a recital that the lands therein specified as con- ed have been sold, and said deed executed on account he non-payment of any tax, such deeds shall be conclu- in all courts, that the proceedings have been regular, n the valuation of the land up to the execution of the d, and of the existence of all conditions precedent, in way affecting the validity of said [deed] except as fol- , to wit:

EC. 2. Said deeds shall be *prima facie* evidence only , of the liability of said lands to taxation; second, of Of what *prima facie* evidence. nonpayment of the tax for which the same were sold; l, of the non-redemption of said land after sale of said s, and before the recording of the tax deeds.

C. 3. In case of lands sold for the non-payment of How land redeemed s previous to the passage of this act, and the deed of executed subsequent to said passage, it shall be in ower of the original patentee or his assignee to re- t said land within one year after recording of said eed, by paying or tendering to the denizee under the deed, or his assignee, all taxes, costs, and fees dis- d on account of said land by the holder of said tax p to the time of said redemption, with twenty-five ent. interest per annum thereon, and the holder of ax title shall, after such redemption or tender thereof, e such tax title in the same manner and subject to me liabilities in case of refusal to do so, as is now led in case of satisfaction of mortgages.

. 4. If the land is not redeemed in the class of cases oned in the preceding section in one year after the

Effect of deed in case land not redeemed.

recording of the deeds, said deed shall have all the effect given under section one and two of this act.

SEC. 5. All deeds hereafter executed upon sale for taxes, shall be substantially in the following form:

Form of tax deed

Whereas, ———— has deposited in my office—— —— a certificate of the collector of taxes, or county treasurer, (or as the case may be,) of the county of —— whereby it appears that the said ———— or (in case of assignment,) C D, of whom the said ———— is assignee, at purchase of said officers) the there describe the land, at a tax sale held by said ———— at ——— in said county on the —— day of ———, A. D. 18——, for the sum of —— —— being the amount then due the said county —— —— for taxes and charges on said land, and whereas, it appears from an examination of the records of my office that said land is now unredeemed from such sale; now, therefore, know all men by these presents, that in consideration of the said sum of ——— and of the premises, said county does hereby grant and convey unto the ——— —— the above described premises, with all the hereditaments and appurtenances thereunto belonging, to him and his heirs and assigns, to their sole use and benefit forever.

In witness whereof I have hereunto set my hand and seal at ——— this —— day of ———, A. D. 18——.

A B, (official designation,) [L. S.]

Treasurer to sell certificates.

SEC. 6. It shall be the duty of the county treasurer to sell any certificates he may hold for lands struck off to the county, under the provisions of the revised statutes, to any person wishing to purchase the same, and to assign the same by endorsing his name officially on the back thereof.

Proviso.

Provided, Said treasurer shall not sell any certificate for less sum than the face and its legal interest, unless ordered by the board of supervisors of his county, and the said applicant shall purchase all the certificates in the hands of said treasurer against said land.

Certificates transferrable.

SEC. 7. All certificates of the sale of lands by the county treasurer, shall be transferable by endorsement.

SEC. 8. All acts and parts of acts contravening the provisions of this act are hereby repealed.

J. McM. SHAFTER,
Speaker of the Assembly

E. B. DEAN, JR.,
President pro tem. of the Senate

Approved, April 19, 1852.

LEONARD J. FARWELL.

[*Published May 5, 18*

An Act relating to Printing. **Chap 504**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The secretary of state shall within four weeks after the close of the present session of the legislature, and within four weeks after the close of every second regular session thereafter, advertise for four weeks successively in four different papers published in different sections of the state, for sealed proposals for doing at the seat of government, all printing authorized and required by the legislature for their use or for the state in all the several departments thereof. To advertise for proposals.

SEC. 2. Said advertisement shall divide the printing required to be done, into three classes: the first to comprise all printing incident to the business of the two houses while in session, the second class to comprise the journals and documents of the two houses, and all laws passed by the legislature, and the third class, the printing of the several state departments of all kinds and descriptions whatsoever. All of said classes to be offered in one bid, and provided for by one contract. Classes of printing.

SEC. 3. The advertisement shall require specifications in said bid as follows: for all classes, except blanks, the price of composition per 1000 ems; the price per token of press work; the price per quire of all paper used, specifying the size and quality thereof, and the price of folding, stitching, covering, and binding the same in paper covers or in boards, should the legislature specially authorize the same; and for blanks, the price per quire, the contractor furnishing the paper for the same. Specifications.

SEC. 4. The secretary of state shall keep in his office for inspection, a specimen of each kind, style, and quality of the work required to be done and material to be used in the several cases. Specimens of work.

SEC. 5. The bids shall be delivered at the office of the secretary of state, endorsed, "Proposals for State Printing," and shall be and remain sealed up until the hour specified in the advertisement for such letting for opening the same, and no bid shall be received by said secretary after said hour. Time for depositing bid.

SEC. 6. The secretary of state shall consider no bid which is not accompanied by a sufficient guarantee that the person making the same, will, if successful, execute the necessary bond for the fulfillment of his contract. What bids not to be considered.

In whose presence bids to be opened.

Sec. 7. At the hour specified for opening said bids, the secretary of state, in presence of the state treasurer, attorney general, and in the absence of either, of the governor and of such bidders as may choose to attend, shall open the same, and proceed to determine who is the lowest and best bidder therefor; and after due examination and the determining of the same, said secretary shall immediately notify the successful bidder of his appointment to execute the work, who, thereupon, within four weeks after receiving said notice, shall execute a bond to the governor in the sum of twenty thousand dollars, conditioned for the faithful performance of the duties assigned him, which bond shall be approved by the governor, and deposited in the office of secretary of state; and in case said lowest bidder shall fail to fulfill his contract and execute said bond, he and his guarantees shall be liable for all additional costs which may accrue to the state by reason thereof; and the secretary of state shall, in case of such default, immediately award the contract to the bidder next lowest, who shall execute a bond, in the sum aforesaid, within two weeks after he is notified of said award.

Duration of contract.

Sec. 8. The person to whom said award has been made and who has given the required bond, shall execute the said printing at the seat of government for the term of two years from the first Monday of January thereafter.

To deposite copies of work.

Sec. 9. The person so appointed to do said work shall deposite with the secretary of state, from time to time, copies of all work by him executed, to which shall be annexed an affidavit, either of said contractors, or printers employed upon said work, showing the number of copies printed and delivered, the amount of composition in the same, and cost under said contract, and the number of quires of blanks; and such affidavit shall be *prima facie* evidence of the truth of the facts therein contained; and no compensation shall be allowed to any person for any work until after a compliance with the provisions of this section.

Copies to be preserved.

Sec. 10. The secretary of state shall receive, file, and preserve for inspection in his office, all copies of work furnished, when presented to him for that purpose.

Chief clerk to deliver copies of documents.

Sec. 11. The chief clerk of each house shall deliver to the printer aforesaid a copy of every document or other matter ordered printed incident to the business of the two houses, on the same day such orders are made, and the same shall be printed with the least possible delay; and the chief clerk of each house shall, within ten days after the

close of each session, furnish to said printer a correct copy of the journals of their respective houses, together with a copy of all reports made to the same.

Secretary of state to furnish copy of laws.

Sec. 12. The secretary of state shall, within one week after the passage of any law or joint resolution, furnish such printer with a correct copy of the same, and whenever in his opinion it is expedient for public convenience, may direct said printer to divide the documents from the journals of the two houses and print and bind the same in a separate volume or volumes.

How laws to be divided.

Sec 13. The laws passed at each session of the legislature shall be divided, by the secretary of state and attorney general, into two classes, which shall be published and bound in separate volumes. The first class shall include the laws of a general nature, joint resolutions and memorials; but no law incorporating a rail road, plank road, or other company, shall be published therewith, unless such law specially requires that it be so published. The second class shall include all laws required to be published which are not embraced in and published with the laws composing the first class. The title pages of the respective volumes shall express whether they contain the "acts of a general nature," or the "private and local acts and charters of incorporated companies."

What laws not to be published

Sec. 14. No law appropriating money, and containing no other provisions, shall be published, unless the law expressly requires it; but instead thereof, the secretary of state shall make out and certify to a full statement or list of all appropriations of money made by law at any session, and the purposes for which made, and cause the same to be published with the general laws passed at such session. The signatures of the speaker of the assembly, and president of the senate, and governor, shall not be printed at the end of each law or chapter, but only at the end of the volume; but the date of approval by the governor shall be affixed to each law.

What number of laws, &c. to be printed.

Sec. 15. The public printer shall hereafter print eight thousand copies of the laws of the first class, and three thousand copies of the laws of the second class, and five hundred copies of the journals of each house of the legislature. A copy of the laws of the first class shall be distributed to each person and officer now entitled to the laws passed at each session, and also to the chairman of the board of supervisors of each town; and a copy of the laws of the second class shall be distributed to each such person and officer, other than a town officer, and to the town

clerk and chairman of the board of supervisors of each town.

All documents to be of same size.

Sec. 16. The laws and journals, messages of the governor, reports of the state officers and school commissioners, reports of committees of the legislature, and all other documents required by the legislature or any department of the state, to be printed, shall be of uniform size, so as to admit of their being bound together in a compact form.

No constructive charges allowed.

Sec. 17. In computing the amount of paper, press work, composition, folding, stitching, or any other work or material embraced in a contract for printing, no "constructive charges" shall be allowed, and no work or material paid for unless it appears to have been actually performed or furnished and accepted by the proper state officer.

Fees for publishing.

Sec. 18. The fees to be allowed hereafter for publishing in a newspaper any law, notice, or other matter required to be published for the state by proper authority, shall be the same as are prescribed for publishing legal advertisements and notices.

Secretary to audit account.

Sec. 19. The secretary of state shall audit all accounts of the printer, for the laws, journals, documents, and printing of the state departments, whenever the same shall exceed two hundred dollars, upon the evidence in his office, when satisfied of the truth thereof, and may draw an order on the state treasurer for the same, not exceeding four thousand dollars in any one year on the amount of the accounts so allowed by him; and the treasurer shall pay said orders out of any money in the treasury not otherwise appropriated: *Provided*, That the sum of twenty-five per cent. on the total cost of said work shall be withheld by said secretary, who shall report the amounts thus audited by him to the governor in his annual report, and the legislature at its next session shall have power to examine said work and account, and allow or disallow the said twenty-five per cent. of the sum so retained as may be settled in accordance with justice.

Proviso.

Annual reports to be printed speedily.

Sec. 20. Immediately after the annual reports of the several departments have been placed in the hands of the governor, he shall put them, with a copy of his annual message, into the hands of the state printer, who shall proceed to print, stitch, and cover them in the usual manner as speedily as possible, in one volume; the number of such volumes shall be one hundred copies for the use of the state departments, and one thousand copies for the use of the two houses of the legislature.

Sec. 21. At the commencement of every session of the

legislature, there shall be appointed by their respective houses, a committee consisting of two members of the senate, and three members of the assembly, which shall constitute the committee on printing. Committee on printing.

Sec. 22. The committee on printing shall have power to examine all bids and other papers on file in the office of the secretary of state, to give directions to the contractor when and in what order to execute the work for the two houses; to decide upon questions of delay and neglect; to make deductions in the prices or refuse work, if inferior to the standard or improperly delayed in the execution; to audit and pass all accounts for printing, when the evidences of such work shall have been deposited in the office of the secretary of state, according to the provisions of this act; and generally to investigate all matters relating to the printing of the state. The committtee shall make a report by bill or joint resolution to the legislature of all its actions, and the same shall be approved or rejected. Powers of committee.

Sec. 23. The legislature, and during the recess of the legislature, the governor, secretary, and treasurer may annul any contract for printing for an unreasonable delay in the execution of the work, or for doing it in an inferior or improper manner. The annulling of the contract shall not release the security from their obligation upon the bond of such contractor. Contract may be annulled.

Sec. 24. When any contract shall be declared null for any cause, the secretary of state shall immediately proceed as if such contractor had refused to give security. How secretary to proceed when contract annulled.

Sec. 25. Should any bidder feel himself aggrieved by the decision of the secretary of state in making the decision and appointment of the lowest bidder, he may appeal to the governor, state treasurer, and attorney general, who shall proceed to hear and determine such appeal without delay, or he may proceed by writ of mandamus against the secretary in any circuit court of this state, and shall have the right to try the facts of the case by a jury. Appeal may be taken.

Sec. 26. If it shall at any time become necessary to publish an extra number of copies of any law or laws of this state, such publication shall be by authority of law, such law to define the number of copies which shall be published: *Provided*, That the printing, folding, stitching, covering, and binding of said extra copies of law or laws shall be done in strict accordance with the provisions of this act. Extra copies of laws.

When act to take effect.

SEC. 27. This act shall take effect and be in force from and after its publication, and all acts and parts of acts conflicting with the same are hereby repealed.

J. McM. SHAFTER,
Speaker of the Assembly.

E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, April 19, 1852.

LEONARD J. FARWELL.

[*Published May* 12, 1852.]

JOINT RESOLUTIONS.

Resolved by the Senate and Assembly of the State of Wisconsin, That in the name and on behalf of the people of this state, we declare,

That they regard with admiration and sympathy the efforts of the people and the patriotic exiles of Hungary to restore to their country its acknowledged rights, and establish free institutions for themselves;

That the act of Russia in sending an organized army into Hungarian Territory, to make war upon the inhabitants, extinguish their nationality, and compel their submission to an invading power, was an atrocious violation of international law and deserves the reprobation of the world;

That each individual nation possesses for itself the exexclusive right and sole power to regulate and dispose of its internal concerns without the intervention or interference of any foreign government, and that any such intervention constitutes an infraction of the law of nations and authorizes and justifies the interposition of any or all other governments or powers to prevent such intervention and to restore the rights violated by such infraction of the law of nations;

And that the United States, interested as a sovereign nation in requiring the observance of that law and preserving it inviolate, ought officially to denounce its violation, and to express their disapproval of its wanton defiance by Russia.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.

Approved, March 5, 1852.
LEONARD J. FARWELL.

Chap. 2. Joint Resolutions in relation to the improvement of the Sault de St. Marie River.

Resolved by the Senate (*the Assembly concurring,*) That in the opinion of the legislature of Wisconsin the immediate improvement of the Sault de St. Marie river so as to make Lake Superior accessible to all vessels navigating the other great lakes, is required by the best interests of the north-west and the whole Union, and that congress should without delay appropriate the means to make such improvement.

Resolved, That the governor be requested to send copies of this resolution to our senators and representatives in congress to be laid by them before congress.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.

Approved, March 24, 1852.
LEONARD J. FARWELL.

Chap. 3. Joint Resolution relative to the Public Works on the Fox and Wisconsin Rivers.

Resolved by the Senate and Assembly of the State of Wisconsin, That the commissioners of the Board of Public Works of the Fox and Wisconsin rivers are authorized and instructed to adopt the south channel of the outlet of lake Winnebago and the works thereon constructed as a part of the public works of improvement: *Provided*, The same shall be done free of charge or cost to the state or the improvement fund: *And provided also*, That the owners or their representatives of said work shall give satisfactory security that they will erect a guard lock of the same width as the main lock, and dredge out the channel below said lock by aid of the steam dredge, which shall be furnished by said commissioners free of charge, and who shall be authorized to stipulate the length of time necessary to do said dredging after the dredge shall arrive there.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved April 14, 1852.
LEONARD J. FARWELL.

Chap. 4. Joint Resolutions relative to the location of University Lands.

Resolved by the Senate and Assembly of the State of Wisconsin, That Simeon Mills be, and he hereby is ap-

pointed commissioner to select and locate the remainder of the grant of land heretofore made by congress for the purpose of establishing and aiding the university of Wisconsin, and also to select and locate the saline lands, so called, for the benefit and in aid of said university: *Provided*, The location of the same shall be authorized by the United States.

Resolved, That said commissioner shall report to the governor, as often as once in three months, a list of all lands located under the foregoing resolution; and thereupon, the governor shall cause the same to be appraised and brought into market, in the same manner, for the same purpose, and under like restrictions as other university lands are sold by the commissioners for the sale of school and university lands.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

Joint Resolution relating to erecting the Territory of Superior. **Chap. 5.**

Resolved by the Legislature of the State of Wisconsin, That the assent of the state of Wisconsin is hereby given to the formation and organization of the Territory of "Superior," with the following boundaries, to wit: commencing at the mouth of the Menomonee river, thence running up the centre of the channel of said river until it strikes the dividing line between township No. thirty and thirty-one, (per Lapham's map of Wisconsin;) thence west on said line until it strikes the east line of range ten (10,) west of the principal meridian; thence south on said range line until it strikes the "Trompelean River;" thence down the centre of said river to the Mississippi river.

Resolved, That congress is hereby requested to organize said Territory of "Superior" with like powers, privileges, and endowments, and subject to like restraints and limitations as heretofore accustomed in the organization of territories of the United States.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved April 19, 1852.
LEONARD J. FARWELL.

MEMORIALS.

Memorial to Congress relative to Fort Howard. **Chap. 1.**

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

The Memorial of the Senate and Assembly of the State f Wisconsin respectfully represents:

That a tract of land of several thousand acres is held by ıe United States government in reserve for military purposes, at Fort Howard in this state, materially retarding ıe growth and prosperity of the town and settlement in s vicinity, withholding a large property from taxation, to id in the support of common schools, and town, county, nd state government, while a few acres only are requisite ır the use of the post.

Your memorialists would therefore respectfully request our honorable body to pass an act at its present session ır disposing of so much of said military reservation, as not required for the use of said post.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, February 18, 1852.
LEONARD J. FARWELL.

Memorial to the Congress of the United States in relation to the establishment of a Mail Route. **Chap. 2.**

The memorial of the Legislature of the State of Wisnsin respectfully represents:

That the interests and convenience of the citizens of the unties of Brown and Outagamie are concerned in the tablishment of a tri-weekly steam boat mail route, from eboygan to Green Bay, during the season of navigation. Your memorialists further state that it would be a great nefit to the people residing in that portion of the state be thus put in communication with the great eastern

mail route during the business season of the year; and your memorialists are of the opinion that the establishment of the proposed route would not enhance the expense of the mail service, to any great extent, as steam boats are plying between the aforesaid ports during the season of navigation, and would be a source of revenue to the department, affording mail facilities very much needed by the inhabitants of the several large and flourishing towns situated around the bay and in the valley of the lower Fox river.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, February 18, 1852.
LEONARD J. FARWELL.

Chap. 3. Memorial to Congress for a Mail Route from the village of West Bend, in Washington County, via Cedar Creek, Richfield, and Erin, to Monchess, in Waukesha County

The memorial of the Legislature of the State of Wisconsin respectfully represents:

That the interest and convenience of a large portion of the citizens of the towns of Polk, Richfield, and Erin, are concerned in the establishment of a mail route from the village of West Bend, in the county of Washington, via Cedar Creek, to Monchess, in Waukesha county.

Your memorialists further state, that it would be a great benefit to the people residing in that portion of the state, many of whom are nearly destitute of mail facilities, or supplied in a very imperfect manner.

Your memorialists therefore respectfully ask that the aforesaid mail route may be established at the earliest practicable period.

C. LATHAM SHOLES,
Speaker pro tem. of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, February 28, 1852.
LEONARD J. FARWELL.

Memorial to Congress for the establishment of a Mail Route. **Chap. 4.**

To the Honorable the Senate and House of Representatives:

The memorial of the Legislature of the State of Wisnsin represents:

That the interest and convenience of the citizens of a nsely populated and large portion of country, a part of ich is now almost entirely destitute of any mail facilis whatever, are deeply concerned in the establishment a tri-weekly mail from Madison, via Token Creek, Lowle, Wyocena, Pardeeville, Montello, Dacota, and Wauna, to Waupacca Falls,—a distance of ninety-three les.

Your memorialists therefore ask that the said mail route y be established at the earliest practicable period.

C. LATHAM SHOLES,
Speaker pro tem. of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, February 28, 1852.
LEONARD J. FARWELL.

[Memorial to Congress for a Mail Route from Waukesha to Fond du Lac. **Chap. 5.**

To the Honorable the Senate and House of Representes of the United States, in Congress assembled:

he memorial of the Legislature of the State of Wisin respectfully represents:

hat the interest and convenience of a large number of citizens of the counties of Waukesha, Washington, ge, and Fond du Lac would be greatly enhanced by establishment of a tri-weekly mail route from the vil- of Waukesha, in the county of Waukesha, via the ges of Pewaukee, Merton, Monches, Hartford, Iron e, Mayville, and Moore & Conklin's Mill, to the vil- of Fond du Lac in the county of Fond du Lac,—a nce of sixty one miles.

ur memorialists would represent that the establish- of said mail route would be of the greatest impor- to the people residing in that portion of the state, of whom are nearly destitute of mail facilities or ied in a very imperfect manner, having no direct nunication with any of the large daily mail routes in ate.

ur memorialists would therefore respectfully ask that

the aforesaid mail route may be established at the earliest practicable period.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.

Approved, March 3, 1852.
LEONARD J. FARWELL.

Chap. 6. Memorial to Congress in relation to the Jurisdiction of the United States District Court for the District of Wisconsin.

The memorial of the Legislature of the State of Wisconsin respectfully represents:

That by the existing laws of the United States, the district court for the district of Wisconsin has original cognizance, concurrent with the state courts, of all suits of a civil nature at common law or in equity, where the matter in dispute exceeds, exclusive of costs the sum or value of five hundred dollars, and the United States are plaintiffs or petitioners, or an alien is a party, or the suit is between a citizen of the state where the suit is brought and a citizen of another state.

That the merging of the jurisdiction of a United States circuit court into the district court, which without this possessed and could exercise all the powers and jurisdiction of a district court, under the act to establish the judicial courts of the United States, necessarily invests the judge thereof with powers exceeding those of any judge of the United States courts in any of the original states, and is utterly repugnant to the principles established by the people of this state and incorporated in their judiciary system.

That nearly all the suits between citizens of other states and citizens of the state of Wisconsin, are commenced and prosecuted in the district court, where the adjudication and judgment is final and conclusive and cannot be appealed from or reviewed upon writ of error, unless the amount in dispute exceeds the sum or value of two thousand dollars; thus in most cases placing the fortune and interests of the people at the disposal of one man who is conscious that his judgment and proceedings cannot be reviewed by any other tribunal, and one whose appointment or removal is placed entirely beyond the control of the people whose interests are involved in the question of his fitness and capacity for exercising such extraordinary powers and jurisdiction. A court thus organized naturally excites the jealousy and distrust of the people, who believe that no in-

tice would be done by compelling citizens of other states to resort to the state courts of this state for legal remedies, which afford adequate facilities for securing substantial justice, and at the same time are so guarded as to protect the rights of all parties equally.

Your memorialists do therefore respectfully pray your honorable body to restrict the jurisdiction of the said district court, so that it shall not have cognizance of any case where the suit is between a citizen of this state and a citizen of another state, as is of a civil nature at common law or in equity, unless the matter in dispute exceeds, exclusive of costs, the sum of two thousand dollars, leaving the jurisdiction in all other respects the same as now fixed by law.

Resolved, by the Senate and Assembly of the State of Wisconsin: That our senators in congress be instructed, and our representatives requested to use their influence to secure the passage of a bill restricting the jurisdiction of the district court of the state of Wisconsin within the limit contemplated by the above memorial.

Resolved, That the Governor be requested to forward forthwith, to the president of the United States, and to our senators and representatives in congress, a copy of the memorial and these resolutions.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.

Approved March 4, 1852.
LEONARD J. FARWELL.

Memorial to the Congress of the United States for an appropriation for the completion of the improvement of Grant River at the Town of Potosi, in Grant County. Chap. 7.

The Memorial of the Legislature of the State of Wisconsin to the Congress of the United States, respectfully represents:

That congress, during the session of 1844, passed an act entitled "An act granting a section of land for the improvement of Grant River, at the town of Potosi, in Wisconsin Territory," which act was approved on the 15th June, 1844, and that, in pursuance of the said act of congress, the legislative assembly of the territory of Wisconsin, by an act approved February 18th, 1845, appointed commissioners to carry into effect the said act of congress, and to cause the said improvement to be commenced with

the proceeds of the sale of the section of land so granted by congress.

That the commissioners so appointed entered upon the discharge of their duties, and caused a survey to be made by Major Barney, the engineer superintending the improvement of the harbor at Dubuque, whose report and estimates were made and presented to the legislative assembly of the territory of Wisconsin, during the session of 1846.

Your memorialists further represent that the means in the hands of said commissioners, derived from the sale of the section of land granted by congress have been expended judiciously in clearing up and grubbing the ground, and making the first course of excavation, which work was performed during the summers of 1846 and 1847, since which time, in order to protect the work so commenced from being rendered useless, the citizens of Potosi have contributed liberally their means to secure the same from injury.

Your memorialists further represent that the improvement contemplated, is the first improvement undertaken in the western part of our state and its consequence to the community generally, recommend its speedy completion by the generous aid of the general government.

Your memorialists further represent that from the estimates of the civil engineer, a further sum of eighteen thousand dollars will be necessary to complete the work already commenced.

Your memorialists therefore, referring your honorable body to the memorials for this purpose heretofore forwarded by the legislative assemblies of Wisconsin, would respectfully ask that an appropropriation of eighteen thousand dollars be made by your honorable body, at its present session, for this object. And your memorialists will ever pray.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.

Approved, March 4, 1852.
LEONARD J. FARWELL.

Memorial to Congress for the Improvement of Harbors in Wisconsin. **Chap. 8.**

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

The Senate and Assembly of Wisconsin respectfully represent:

That the commerce of the northern lakes is now very large and constantly increasing, requiring a large number of steam and sail vessels, involving great investment of capital, and the employment of a very large number of men. For the protection of this vast interest, there is not, on the western shore of Lake Michigan, north of Chicago, one good, safe, and commodious harbor. The general government has heretofore made appropriations for the improvement of harbors at several points on this coast, which improvements have been commenced and the appropriation for the same expended, but none are yet completed; and those points which have not as yet received any appropriation from congress, (except for their survey,) have increased in population and business, so as so require equal attention with those points already having received appropriation.

Your memorialists would therefore respectfully pray that, in view of the vast general interest involved, and in harmony with the established policy of the government, as manifested by its previous acts, that the bill now before congress, introduced by Hon. J. D. Doty, for the improvement of certain harbors, may be passed and become a law. And, as in duty bound your memorialists will ever pray.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.

Approved, March 5, 1852.
LEONARD J. FARWELL.

A Memorial to Congress for a New Land District. **Chap. 9.**

A Memorial of the Legislature of Wisconsin respectfully sheweth:

The large and rapidly increasing population in the northern part of Wisconsin, makes it necessary, for the convenience of said population that a new land district shall be formed.

Your memorialists therefore pray your honorable body to form a new land district of the following boundary:

Commencing at the south-west corner of town fifteen north, of range two east of the fourth principal meridian; thence running due east to the south-east corner of town fifteen north, of range eleven east of the fourth principal meridian; thence north along said range line to the north line of the state of Wisconsin; thence westerly along said north line to the line between ranges one and two east; thence south to the place of beginning; and that the land office for said district be located at Stevens Point, in Portage county, and that said district be called Stevens Point land district.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.

Approved, March 15, 1852.
LEONARD J. FARWELL.

Chap 10. Memorial for a Mail Route from Helena to LaCrosse.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the Legislature of the State of Wisconsin respectfully represents:

That the interest and convenience of a large majority of the citizens of Richland, Bad Ax and LaCrosse counties are concerned in the establishment of a mail route from Helena, in Iowa county, via Richland City, Sextonville, Richland Centre, and Rock Bridge, in Richland county, to Springville, in Bad Ax county, and thence to LaCrosse, in La Crosse county.

Your memorialists further state that it would be a great benefit to the people residing in that portion of the state, many of whom are now destitute of mail facilities, and the remainder supplied in a very imperfect manner; and your memorialists are of the opinion that the establishment of the proposed mail route would be a source of revenue to the department, affording mail facilities to a portion of the state rapidly filling up with enterprising settlers.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.

Approved, March 19, 1852.
LEONARD J. FARWELL.

Memorial to the President of the United States relative to the removal of the Chippewa Indians. Chap. 11.

The Memorial of the Legislature of the State of Wisconsin to His Excellency, Millard Fillmore, President of the United States, respectfully represents:

That the residents of the counties of Marathon, Chippewa, St. Croix, and LaPointe, comprising one-third of the lands of this state, are constantly harassed and annoyed by the Chippewa Indians and evil disposed white men who traffic with them and furnish them with intoxicating liquors and other unnecessary and injurious materials, tending to destroy their energies, happiness, and causing many collisions and difficulties between these Indians and well disposed white citizens who only desire the quiet and peaceable enjoyment of their houses and the fruits of their labor upon the soil purchased in good faith from the government of the United States.

Our cattle are driven off and killed, our crops stolen and carried off or destroyed, our citizens feel themselves unsafe, and murders and other injuries are frequently committed. The people are becoming exasperated, and have reluctantly come to the conclusion, in one instance, to hang an Indian who had murdered one of our most esteemed citizens, without regard or recourse to the laws of the land, pleading in justification of their acts the right of self preservation and the extreme difficulty in enforcing our wholesome laws against the criminal acts of this people, whose habits and laws are so different from our own. So long as these Indians remain in contact with the white population, both will become more and more demoralized; whisky doing its work in stimulating their passions and brutal lusts, and so long as they can obtain sufficient food to sustain life, and whisky with which to brutalize themselves, by the sale of the virtue of their wives and daughters to gratify the passions of fiends in the shape of white men, they will not hunt or turn their attention to the peaceful pursuits of civilization. Such has become the feeling between the Indians and many of our worthy citizens, who desire only the rightful and peaceful enjoyment of their homes, which they have acquired by dint of severe and constant deprivation and labor, that very serious difficulties, if not bloodshed, is likely to occur, unless the Indians are speedily and effectually removed, and compelled to remain within their own territories out of the limits of our young state, whose people desire no unnecessary difficulties tending to injure the prosperity and fair fame she so proudly bears.

Your memorialists would further represent that during

the last year, near fifteen hundred Chippewas, whose bands have made the banks of the St. Croix river their abiding place, have been removed to their own lands, and should the remainder of them be not removed, those who have already been removed, will return to their relations east of said river, and the efforts towards a permanent removal thus having failed, will create a distrust of the sincerity or ability of the government to remove them, and these marauding bands will be encouraged to commit additional outrages, and the expenditures already incurred will be worse than lost.

In our opinion, knowing the character of these people as we do, nothing short of a decided and determined action on the part of the government towards their removal, will accomplish the object.

We are well aware opposition to their removal exists, and we are also well aware that this opposition originates from those intereseted in their fur trade, and coming from such an imfamous quarter as previously stated in this memorial, should have no weight in the matter.

Your memorialists would further represent that, so long as these Indians remain east of the St. Croix river, the rapid and settlement of the lands in the north-western part of this state, and the developement of our resources of wealth are materially retarded.

Your memorialists would also represent that the Sioux Indians are permitted to spend a large portion of their time, particularly during the autumn, east of the Mississippi river, and are equally as troublesome as the Chippewas, and the same arguments will apply to confining them to their own territorities, as to the removal of the Chippewas.

Your memorialists would also state that, in our opinion, the Hon. J. S. Watrous, who has had charge of the removal of the Chippewas, has done all that could have been done with the means at his command, and that we have the utmost confidence in his integrity and abilities.

We, therefore, earnestly desire that you will institute such measures as will speedily accomplish the object so much desired, and which will prove of incalculable benefit both to the red and white men.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.

Approved, March 19, 1852.
LEONARD J. FARWELL.

Memorial to Congress in relation to a Mail Route. **Chap. 12.**

To the Honorable, the Senate and House of Representatives of the United States:

The memorial of the Legislature of the State of Wisconsin respectfully represents:

That the interests and convenience of the citizens of a thickly populated and extensive portion of country are concerned in the establishment of a weekly mail from Grand Marsh, in Adams county, by the way of Buena Vista, to Plover, in Portage county, Wisconsin.

Your memorialists therefore respectfully ask that the aforesaid mail route may be established at the earliest practicable period.

J. McM. SHAFTER,
Speaker of the Assembly.
TIMOTHY BURNS,
Lt. Governor and President of the Senate.

Approved March 24, 1852.
LEONARD J. FARWELL.

Memorial of the Legislature of the State of Wisconsin to the President of the United States. **Chap. 13.**

The Legislature of the State of Wisconsin, represented in Senate and Assembly, respectfully represents:

That by a treaty made between the United States and the Stockbridge Indians, on the twenty fourth day of November, A. D. 1848, it is provided that patents shall be issued by the United States government to all those persons to whom lots of land were allotted by the commissioners of the United States in 1843, such persons having become citizens of the United States. It appears that, in many instances, lands so allotted have never been patented, and it is believed, were not included in the schedule of lands returned by the commissioner of 1848.

Your memorialists would respectfully suggest that a commissioner be appointed with power to examine and determine upon the rights of all such Indian citizens as are claiming lands under the provisions of the respective treaties above mentioned, on the part of the United States toward this class of our adopted citizens; and your memorialists further pray that measures be taken by the general government to cause an immediate survey of all lands belonging to the United States, within the Stockbridge reservation, and to bring the same into market with as little delay as practicable, believing that such action will greatly

conduce to the permanent prosperity and happiness of these people. As in duty bound, your memorialists will ever pray.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 1, 1852.
LEONARD J. FARWELL.

Chap. 14. Memorial to the Post Master General for the establishing of mail service on route No. 4612.

To the Honorable the Post Master General of the United States:

The memorial of the Legislature of the State of Wisconsin respectfully represents:

That the interest and convenience of the citizens of a densely populated and large portion of country are concerned in the establishment of mail service on that portion of mail route No. 4612, which lies between the village of Madison, in the county of Dane, and Barraboo, in the county of Sauk.

Your memorialists, therefore, respectfully ask that the portion of the mail route above referred to may be immediately advertised for letting, and mail service established thereon.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 1, 1852.
LEONARD J. FARWELL.

Chap. 15. Memorial to Congress asking for a mail route from the village of Waupun, in the county of Fond du Lac, to the village of Oshkosh, in the county of Winnebago, by way of the village of Rosendale, in Fond du Lac county.

The memorial of the Legislature of the State of Wisconsin respectfully represents:

That the citizens of the villages of Waupun, Oshkosh and Rosendale, and of the surrounding country, would receive great additional advantages by the establishing of the above named route.

Your memorialists further state, that this route would pass through a thickly settled country whose mail facilities are now imperfect; and your memorialists are of opin-

that the establishment of the proposed route would be a source of revenue to the department, and affording mail facilities to a large community of enterprising and industrious farmers, and that the whole distance would not exceed thirty-one miles.

J. McM. SHAFTER.
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved April 5, 1852.
LEONARD J. FARWELL.

Memorial to Congress for a grant of land to aid in the improvement of the Wisconsin River from Fort Winnebago to Beaulieux Rapids. **Chap. 16.**

To the Honorable Senate and House of Representatives in Congress assembled:

The memorial of the Legislature of the State of Wisconsin respectfully sheweth:

That the improvement of the Wisconsin river above Fort Winnebago so as to facilitate the passage of lumber, rafts, and flat boats, is a matter of very great importance, and that such a work would tend to enhance the value of the lumbering, agricultural, and iron interests of the country, washed by the Wisconsin river and tributaries, and would also give a fresh impetus to the settlement of that extensive region; and your memorialists in order to illustrate to your honorable body the importance of the Upper Wisconsin for hydraulic purposes, beg leave to refer you the accompanying maps drawn by William DeWitt, civil engineer, employed by the state of Wisconsin in 1851, to make a survey of the Upper Wisconsin river.

Your memorialists, therefore, pray your honorable body to make to the state of Wisconsin a grant of land of the odd numbered sections for the distance of three miles upon each bank of the Wisconsin river, from Winnebago Portage to Beaulieux Rapids, in trust, and that the state shall sell such lands and apply the nett proceeds to the improvement of the Upper Wisconsin river.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, April 7, 1852.
LEONARD J. FARWELL.

Chap. 17. A Memorial to Congress for a new Land District north and west of the Wisconsin River

To the Honorable Senate and House of Representatives of the United States in Congress assembled:

The memorial of the Legislature of the State of Wisconsin respectfully represents:

That great inconvenience is felt and expense incurred by the majority of the inhabitants settled in that portion of the Mineral Point and Chippewa land districts lying between the Wisconsin and Mississippi rivers, in consequence of the great distance necessary to be traveled in going to the offices in said districts.

Your memorialists would therefore ask your honorable body to form a new district to be bounded as follows, to wit: beginning at a point where the first correction line touches the Mississippi river; thence east to the Wisconsin river; thence northerly up said river to town fifteen, (15) north; thence westerly along the said line of fifteen, (15) to the south-west corner of fifteen, (15) where range line two, (2) east, intersects said correction line; thence north on said range line to the third correction line; thence west on said correction line to Chippewa river; thence down said river to the junction with the Mississippi; thence down said Mississippi to the place of beginning.

Your memorialist would respectfully recommend that the land office of said land district be located at La Crosse, and that the said district be called the LaCrosse land district.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved, April 9, 1852.
LEONARD J. FARWELL.

Chap. 18. Memorial to Congress praying for the right of pre-emption to certain settlers on the Public Lands.

The memorial of the Legislature of the State of Wisconsin respectfully sheweth:

That there are several thousand settlers on the Chippewa and Menomonee lands, in the state of Wisconsin, and the privations that these settlers have endured in leading the way into that hitherto wilderness, and the advantages resulting from the consequent enlargement of the area of civilization, commend them particularly to the fostering care and favorable consideration of your honorable body;

your memorialists would therefore ask your honorable body to enact a law giving to actual settlers on said lands a pre-emption at the minimum price, to a legal subdivision not greater than one hundred and sixty acres to each settler, and that settlers have three years from the time of their settlement to pay for their land unless the settlement shall have been made before the lands shall have come into market, and if so, then the settler to have three years to pay for his lands or claim from and after the public land sale for the section of country in which the land is situated.

And your memorialists would also pray your honorable body to extend the benefit of a pre-emption law to all those persons who have settled on said lands prior to the extinguishment of the Indian title to said land.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 9, 1852.
LEONARD J. FARWELL.

Memorial to Congress asking for the reduction of the price of the public lands lying within this State, and for an extension of the time of entering lands under pre-emption, and for other purposes. **Chap. 19.**

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the Senate and Assembly of the State f Wisconsin respectfully represents:

That sales of the public lands under present laws to oth- r than actual settlers and in unlimited quantities, directly nd to retard the cultivation and agricultural improve- ent of our vacant lands, and the growth and settlement our state, to create unequal aggregations of landed ealth in the hands of the few, who would hold it only for rposes of speculation and a monopoly of the soil, incon- stent with the policy of our institutions.

That such sales have the tendency to cause these lands be held and owned by foreign and non-resident proprie- rs not for cultivation, but to be reserved at high prices til they are made valuable by the resident labors and terprise of actual settlers who cultivate and improve the ds in the vicinity and make the roads and other inter- l improvements of the country.

That such sales create necessarily an irregularity in the sis of state taxation, improved lands being rated by ap- aisement much higher than wild and unimproved lands ng contiguously, while at the same time these wild lands

receive the same and equal benefits from the improvement and increasing cultivation and wealth of the country and the advancing value of landed property in the vicinity.

That if the public lands should be sold only to actual settlers, at a low price, many poor and destitute but worthy and industrious families in our own country who are now in a condition of suffering or dependent upon the charities of others, would be furnished with homes and other means of subsistence and an encouragement would also be presented to emigration from abroad. The state would thereby receive the immense benefits of a permanent and increasing population and of the labors enterprise, and accumulating capital of the "tillers of her soil;" whereas she is now greatly injured by having her best and richest lands made the subject of trade, stock market exchange, and speculation.

Your memorialists, therefore, request your honorable bodies to provide by law for the disposal of the public lands to actual settlers only, and that too, at a low price and in limited quantities, and to extend the time of preemption to five years.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.
President pro tem. of the Senate.

Approved April 14, 1852.
LEONARD J. FARWELL.

Chap. 20. Memorial to Congress for a grant of land to aid in the improvement of the Wisconsin River from Fort Winnebago to Beaulieux Rapids.

To the Honorable Senate and House of Representatives in Congress assembled:

The memorial of the Legislature of the State of Wisconsin respectfully sheweth:

That the improvement of the Wisconsin river above Fort Winnebago so as to facilitate the passage of lumber, rafts, and flat boats, is a matter of very great importance, and that such a work would tend to enhance the value of the lumbering, agricultural, and iron interests of the country washed by the Wisconsin river and tributaries, and would also give a fresh impetus to the settlement of that extensive region; and your memorialists in order to illustrate to your honorable body the importance of the Upper Wisconsin for hydraulic purposes, beg leave to refer you to the accompanying maps drawn by Wm. L. Dewett, civil

engineer employed by the state of Wisconsin in 1851, to make a survey of the Upper Wisconsin river.

Your memorialists therefore pray your honorable body to make to the state of Wisconsin a grant of land of the odd numbered sections, for the distance of three miles upon each bank of the Wisconsin river, from Winnebago Portage to Beaulieux rapids, in trust, and that the state shall sell such lands and apply the nett proceeds to the improvement of the Upper Wisconsin river.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Approved, April 14, 1852.
LEONARD J. FARWELL.

Memorial to Congress for aid in the construction of Harbors at Manitowoc and Two Rivers.

Chap 21

To the Honorable the Senate and House of Representatives of the United States.

The memorial of the Legislature of the State of Wisconsin respectfully represents:

That the village of Manitowoc is situated upon the west shore of Lake Michigan, at the mouth of Manitowoc river, nearly midway between the Manitowoc Islands, Baly's Harbor, and the city of Milwaukee, and about one hundred miles distant from any of the points above mentioned, between which points there is no harbor or place of shelter for boats and vessels navigating said lake, on which the commerce is already large and rapidly increasing. That great loss of life and property occurs annually on said lake, between the points aforesaid which might and would, to a great extent be prevented by the construction of a harbor at Manitowoc, at which point it is believed a harbor can be more easily and cheaply built than at any other on the west side of said lake.

That the construction of a harbor at this point is a work of national importance and well worthy the fostering aid of the general government.

Your memorialists therefore pray your honorable body to make an appropriation of twenty thousand dollars to aid in building said harbor; which sum, added to fifteen thousand that the inhabitants of said village have agreed to raise by a tax on the property therein, will, in the opinion of your memorialists, (if judiciously expended,) be sufficient to complete the work, and render said harbor safe and

easy of access at all times during the season of navigation to all craft traveling said lake.

Your memorialists further respectfully represent that the Twin Rivers which empty into said lake seven miles north east of Manitowoc possess natural advantages and facilities for the construction of a harbor little inferior to those afforded by the Manitowoc, and that the same reasons urged in favor of an appropriation for Manitowoc apply with nearly equal force in favor of an equal appropriation for the improvement of the Twin Rivers.

And your memorialists further ask of your honorable body to make an appropriation of twenty thousand dollars to aid in constructing a harbor at Two Rivers.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved, April 14, 1852.
LEONARD J. FARWELL.

Chap. 22. Memorial to Congress for a grant of land to aid in the education and support of Deaf and Dumb, Blind, and Insane persons of the State of Wisconsin.

To the Honorable Senate and House of Representatives of the United States of America, in Congress assembled:

The memorial of the Legislature of the State of Wisconsin respectfully represents:

That the people of this state, desiring that all persons resident of the state who are susceptible of mental improvement, should share in the benefit of an education, have at large expense, established an institution for the education of the blind, within our borders, which has been in successful operation for the last two years, and have taken the incipient steps for the establishment of institutions for the benefit of deaf and dumb and insane persons of our state.

Your memorialists further represent that the expense of keeping such institutions in a condition to confer the greatest good to the greatest number, falls heavily upon a state, which like all new states has no means of revenue but direct taxation, and that revenue derived from one half of the real estate within our borders, the other half being by the laws of the United States, exempt from taxation.

Your memorialists would therefore respectfully ask of your honorable body to grant to this state, in trust for the

benefit of the above named institutions, a quantity of land equal to twelve (12) townships, to be selected from any lands within this state subject to private entry: *Provided*, The terms of the grant so made shall in no wise prevent the sale of such lands at the minimum price, and in the same quantities at which lands are now sold by the United States government.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 16, 1852.
LEONARD J. FARWELL.

Memorial to Congress for a grant of land to aid in the construction of Rail Roads in the State of Wisconsin. **Chap. 23.**

The memorial of the Legislature of the State of Wisconsin respectfully represents:

That the construction of rail roads in said state is a subject of deep interest to its citizens, and would result in greatly enhancing the value of the public domain in said state, and the commercial property of the Union.

Your memorialists therefore cannot fail to regard with favor any action of your honorable bodies tending to the accomplishment of an object so desirable, and have heard with satisfaction that bills are now pending in the congress of the United States providing for grants of lands to this state to aid in the construction of certain rail roads therein named.

Your memorialists earnestly pray that speedy and favorable action may be had by your honorable bodies thereon, firmly believing that in making liberal donations of the public domain for the promotion of internal improvements in this state, not only the interests of our own state but the best interest of the whole country will be promoted thereby.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.,
President pro tem. of the Senate.

Passed, April 16, 1852.

Chap. 24. Memorial to Congress for the appointment of a State Geologist.

To the Honorable the Senate and House of Representatives of the United States:

The memorial of the Legislature of the State of Wisconsin respectfully represents:

Your memorialists being deeply impressed of the great importance to our young and growing state that a thorough and extended geological survey, and more particularly of those portions where the mineral bearing rock is found, be made, believing as we do that our state contains more mineral wealth of lead and zinc than any mineral region yet discovered, and also believing that a minute survey by learned geologists, skilled theoretically and practically in that great science, would tend greatly to the development of the hidden mineral wealth of our state; we therefore respectfully ask that a geologist of known capability be appointed by the congress of the United States, whose duty it shall be to make an extended geological survey of the mineral portions of the state of Wisconsin; and your memorialists will ever pray.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

Chap. 25. Memorial to Congress for a grant of Land for the purpose of more effectually accomplishing the purposes and objects of the Milwaukee Orphan Asylum.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the Legislature of the State of Wisconsin respectfully represents:

That at the present session of the legislature an act has been passed incorporating the "Milwaukee Orphan Asylum," which is kept open for the reception of orphan children from all portions of the state, under the direction and superintendence of the ladies of the city of Milwaukee, who have no other means of sustaining the same except by private subscriptions and voluntary contributions of the friends of the institution in the city of Milwaukee.

Your memorialists would further represent that the expense of maintaining and keeping up an institution in a manner to confer the greatest good upon the greatest num-

ber, will fall heavily upon the friends of the institution, without other sources of revenue.

Your memorialists respectfully pray your honnorable body to grant to this state for the benefit of said institution, a quantity of land, to be selected from any lands within this state subject to private entry.

J. McM. SHAFTER,
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 17, 1852.
LEONARD J. FARWELL.

Memorial to the Congress of the United States for the erection of a New Territory. **Chap. 26.**

The memorial of the Legislature of the State of Wisconsin respectfully represents:

1st. That portion of the state of Wisconsin north of 45th degree of north latitude, is in a great measure isolated from the other parts south of said degree, and that the interest of the northern and southern portions of said state are so diverse as to prevent in a great measure the proper and legitimate development of the immense natural resources of wealth north of said line.

2d. The north-western portion of the state of Michigan or that portion west of Lake Michigan and south of Lake Superior, is also isolated from the other portions of the state, with no interest in common with the state, while the interests of northern Wisconsin and north-western Michigan are nearly identical, and that immense and almost exhaustless resources of wealth in mineral deposits, in forests of pine timber, in richness and fertility of soil, and in valuable fisheries, which requires but an opportunity which is not now and which will not be afforded so long as it is attached to the states to develop.

3d. There is now not less than fifteen thousand inhabitants actual settlers on the territory above named, and their interests necessarily suffering in consequence of their isolated situation.

Your memorialists therefore pray that your honorable body would institute such measures as will accomplish the object so much desired, which is the separation of the portions of the two states heretofore named from those states, and erect them into a territory, to be called Superior, and in so doing we would ask that these portions of the two states may not be deprived of their equitable share of the school

and other funds so generally granted to the states of Wisconsin and Michigan, by congress.

Your memorialists would further suggest the following described lines as the boundaries of said territory, to wit: commencing at a point on Green Bay at the mouth of the Menomonee river, and thence up said river until it strikes the division line between township 30 and 31, north, thence running west on said line until it intersects the north-east corner of township 30, and range 10, west of the principal meridian; thence south along said range line until it strikes the Mississippi river; thence northerly pursuing the present line between Wisconsin and Minnesota, to Lake Superior; the eastern line we would have left open for future action to determine.

J. McM. SHAFTER.
Speaker of the Assembly.
E. B. DEAN, Jr.
President pro tem. of the Senate.

Approved, April 19, 1852.
LEONARD J. FARWELL.

STATE OF WISCONSIN, } ss.
Secretary's Office. }

I, Charles D. Robinson, Secretary of State of said state, hereby certify that the Laws, Joint Resolutions, and Memorials, published in this book, have been compared with the original enrolled acts deposited in this office, and that they appear to be correctly printed.

In testimony whereof I have hereunto set my hand and affixed L. S. the great seal of the state, at the capitol in Madison, this 15th day of July, 1852.

CHARLES D. ROBINSON,
Secretary of State.

[Note.—In preparing these acts for publication, where a superfluous word has been found in the enrolled acts, it has been printed in the text in *italics*, and enclosed in parentheses, (*thus.*) Where a word or clause has been found necessary to sustain the sense of the context or where one word has been obviously mistaken for another, the word or clause supposed to be proper has been supplied, but in brackets, [thus;] adopting a plan heretofore adopted in publishing the laws, for the sake of uniformity.]

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